

Exhibit 58

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

STATE OF NEW YORK, et al.,

Plaintiffs,

v.

DONALD J. TRUMP, *in his official
capacity as President of the United
States*, et al.,

Defendants.

20-CV-5770 (JMF)

NEW YORK IMMIGRATION
COALITION, et al.,

Plaintiffs,

v.

DONALD J. TRUMP, *in his official
capacity as President of the United
States*, et al.,

Defendants.

20-CV-5781 (JMF)

EXPERT DECLARATION OF DR. CHRISTOPHER WARSHAW

I. Introduction

1. My name is Christopher Warshaw. I have been an Assistant Professor of Political Science at George Washington University since August 2017. I was recently awarded tenure, and will become a tenured Associate Professor on September 1, 2020. Prior to working at George Washington University, I was an Associate Professor at the Massachusetts Institute of Technology from July 2016 - July 2017, and an Assistant Professor at MIT from July 2012 - July 2016.
2. I have been asked by counsel representing the plaintiffs in *New York Immigration Coalition v. Trump* and *State of New York v. Trump* to analyze relevant data and provide my expert opinions.
3. More specifically, I have been asked:
 - To forecast the populations of every state in the United States in 2020.
 - To estimate the proportion of the population in every state in the United States likely to be excluded if undocumented immigrants are not included in the Census enumeration used for apportionment.
 - To analyze the likely effects of the exclusion of undocumented immigrants on the apportionment of representatives across states for the U.S House of Representatives.
4. My opinions are based on the knowledge I have amassed over my education, training and experience, including a detailed review of the relevant academic literature. They also follow from a statistical analysis that I describe in detail below.

A. Qualifications and Publications

5. My Ph.D. is in Political Science, from Stanford University, where my graduate training included courses in political science and statistics. I also have a J.D. from Stanford Law School. My academic research and teaching focuses on public opinion based on surveys and Census data, as well as the study of representation, elections, and polarization in American Politics. I have also taught courses on statistical analysis.
6. My *curriculum vitae* is attached to this Declaration at Appendix C. All publications that I have authored and published appear in my *curriculum vitae*. I have published 30 academic articles and book chapters. My work is published or forthcoming in peer-reviewed journals such as: the *American Political Science Review*, the *American Journal of Political Science*, the *Journal of Politics*, *Political Analysis*, *Political Science Research and Methods*, the *British Journal of Political Science*, *Political Behavior*, the *Annual Review of Political Science*, the *Election Law Journal*, *Nature Energy*, *Public Choice*, and edited volumes from Cambridge University Press and Oxford University Press. My non-academic writing has been published in the *New York Times* and the *Washington Post*.
7. Most relevantly, I provided an expert report and declaration in *New York Immigration Coalition et al v. United States Department of Commerce*, No. 18-CV-2921-JMF (S.D. NY). In that report, I assessed the consequences of an undercount caused by a potential citizenship question on the U.S. Census. Specifically, I examined the effects of a net differential undercount of people who live in immigrant households on congressional apportionment. I found that the inclusion of a citizenship question on the Census would likely have led to substantial effects on the population counts of each state, and the apportionment of

representatives across states for the U.S House of Representatives. In that case, the court found my analysis and findings “credible and persuasive.”

8. I have also previously provided expert reports in *League of Women Voters of Pennsylvania v. Commonwealth of Pennsylvania*, No. 159 MM 2017 (PA 2018); *League of Women Voters of Michigan v. Johnson*, No. 2:17-cv-14148 (E.D. 2019); and *PRI et al v. Smith et al.*, No. 18-cv-357 (S.D. Ohio 2018).
9. The opinions in this declaration are my own, and do not represent the views of George Washington University.

B. Research Design

10. President Trump recently issued a presidential memorandum charging the Secretary of Commerce to “exclude from the apportionment base aliens who are not in a lawful immigration status under the Immigration and Nationality Act.”¹ In order to assess the consequences of excluding undocumented immigrants from the count of people in the United States used for apportionment, I conduct the following steps:

- A. I estimate the baseline population of each state in 2020 based on the Census Bureau’s annual estimates of the population of each state from the past three decades.² The populations used for apportionment also include overseas federal employees and their dependents. Then, based on data from the U.S. Military and the Census Bureau, I

¹ See <https://www.whitehouse.gov/presidential-actions/memorandum-excluding-illegal-aliens-apportionment-base-following-2020-census/>.

² For the state populations from 2010-2019, I used the file ‘nst-est2019-01.xlsx’ which I obtained from <https://www.census.gov/newsroom/press-kits/2019/national-state-estimates.html>. For the populations from 2000-2009, I used the file ‘st-est00int-01.xls’ from <https://www.census.gov/data/tables/time-series/demo/popest/intercensal-2000-2010-state.html>. For the population counts from 1990-1999, I used the data available at <https://www.census.gov/data/tables/time-series/demo/popest/intercensal-1990-2000-state-and-county-totals.html>.

estimate the number of overseas federal employees and dependents that would be added to the population of each state for apportionment.

- B. I use data from the Pew Research Center to estimate the number of undocumented immigrants in each state in 2020. These are the most widely used data in the academic literature on the undocumented immigrant population. However, I reach very similar conclusions using a variety of alternative sources of data on the number of undocumented immigrants in each state.
- C. Based on all of these data, I estimate the proportion of each state's population that would be excluded from the enumeration used for apportionment due to the presidential memorandum. I then use the official apportionment table published by the U.S. Census Bureau to estimate the number of congressional seats that states would gain or lose. Finally, I report the uncertainty in all of my analyses.
- D. I evaluate the robustness of my findings to a variety of alternative data sources and modeling strategies. I also compare my findings to four other independent reports from different research groups. My findings are robust to alternative modeling assumptions and are similar to these other groups' findings.

C. Summary of Findings

11. Based on my analysis, I have reached the following conclusions:

- The exclusion of undocumented immigrants from the apportionment base (i.e., the population enumeration used for apportionment) is likely to have substantial effects on the population counts of each state, and the apportionment of representatives across states for the U.S House of Representatives.

- It will almost certainly lead Texas to lose a seat in Congress. It is likely to lead California and New Jersey to lose a congressional seat. It also could lead other states, such as Arizona, Florida, New York, or Illinois, to lose seats. These conclusions are similar across multiple data sources on the prevalence of undocumented immigrants. They are also similar to the conclusions reached by a variety of independent analysts and organizations.
- The exclusion of undocumented immigrants from the apportionment base would affect political representation in Congress. For instance, it is likely to affect the distribution of federal funds to each state, and the general power that each state holds in Congress.

II. Projecting the State Populations in 2020

12. The first stage of my analysis is to develop baseline projections of the population of each state in the country in 2020. These projections are critical to determining the likely effects of excluding undocumented immigrants from the apportionment base. In order to develop these estimates, I use the Census Bureau's official estimates of the population of each state from 1990-2019. The Census Bureau does not provide public estimates of each geographic unit's populations in future years.
13. In this section, I first discuss several possible approaches for estimating future populations. I show that my preferred approach performs as well or better at a similar modeling problem than alternative approaches. I then discuss how I incorporate uncertainty into my population projections. Finally, I present estimates of the 2020 populations in each state in the country.

A. Data

14. The Census Bureau's Population Estimates Program (PEP) produces estimates of the population for the United States, states, counties, cities, towns, and other geographic areas.

These aggregate estimates are based on the demographic components of population change (births, deaths, and migration) at each level of geography.³ My population projections are based on these official population estimates for each state for the period from 1990-2019.⁴

B. Statistical Model for Population Projections

15. There are a number of potential options for forecasting the likely population of each state in 2020. One possible forecasting option would be to allow the forecasts to increase or decrease over time, where the amount of change over time (called the drift) is set to be the average change in the historical data (see Hyndman and Athanasopoulos 2018, 48-49). Some related methods in this family of forecasting approaches are:

- Model 1: Linear trend between 2010-2019: One approach would be to project forward based on the linear trend in the population estimates since the last Census (e.g., Election Data Services 2017). This approach assumes that each geographic unit's population follows the same linear rate of change in the future that it has followed over the past decade. This approach has the benefit of using many years of data, but it could yield biased estimates if the population trends have changed over this period. I estimate linear trends using a simple linear regression model in the software program R.
- Model 2: Linear trend between 2016-2019: Another possibility is to project forward based on the linear trend in the population estimates over the past 4 years. This approach

³ I do not directly use the more detailed cohort-component method used by the Census for my population projections because this information is unavailable for some geographic levels, particularly for the 2000-2010 period. It is also unclear whether the additional complexities associated with this approach would yield substantial gains in predictive accuracy.

⁴ For the state populations from 2010-2019, I used the file 'nst-est2019-01.xlsx' which I obtained from <https://www.census.gov/newsroom/press-kits/2019/national-state-estimates.html>. For the populations from 2000-2009, I used the file 'st-est00int-01.xls' from <https://www.census.gov/data/tables/time-series/demo/popest/intercensal-2000-2010-state.html>. For the population counts from 1990-1999, I used the data available at <https://www.census.gov/data/tables/time-series/demo/popest/intercensal-1990-2000-state-and-county-totals.html>.

assumes that each geographic unit's population follows the same linear trend in the future that it has followed over this shorter time period. This approach has the benefit of being sensitive to more recent trends, but it could be noisier than estimates based on the longer time series. That is, it could be overly sensitive to short-term trends. I estimate linear trends using a simple linear regression model in R.

- Model 3: Change between two most recent years (i.e., 2018 to 2019): A third possibility is to focus on the change between each geographic unit's populations in the two most recent years and assume that future years will follow this recent trend. This approach has the benefit of being based on the most recent changes in populations, but it could also be overly sensitive to short-term idiosyncratic trends. I estimate these short-term trends using the software program R.

16. As Hyndman and Athanasopoulos (2018, 50) discusses: "Sometimes one of these simple methods will be the best forecasting method available; but in many cases, these methods will serve as benchmarks rather than the method of choice. That is, any forecasting methods [] will be compared to these simple methods to ensure that the new method is better than these simple alternatives. If not, the new method is not worth considering." I consider one more complex approach against these benchmarks:

- Model 4: A state space model with exponential smoothing: This approach uses an exponential smoothing model that weights levels and trends to an extent determined by the data (Hyndman et al. 2008; Hyndman and Athanasopoulos 2018). This model uses all of the available data, but it gives more weight to the most recent years. I estimate the exponential smoothing model using the ets function in the forecast package in R.

C. Validation of Population Projections

17. The accuracy of forecasting models can only be determined by considering how well a given model performs on new data that were not used when fitting the original model (Hyndman and Athanasopoulos 2018, 62). In order to choose the best model for this analysis, I evaluated each model using a benchmark that is similar to the challenge of forecasting the 2020 populations. Specifically, I forecasted the 2019 population estimates in each state based on 1990-2018 population data. For each analysis I used the following evaluation metrics (see Hyndman and Athanasopoulos 2018, 64-65).

- The mean error across states (ME): This helps assess whether a given metric has a systematic bias in one direction or another.
- The root mean-squared error across states (RMSE): This helps assess the accuracy of the forecasts. It penalizes larger errors more than smaller errors.
- The mean absolute error across states (MAE): This helps assess the accuracy of the forecasts. It penalizes all errors equally.
- The mean percentage error across states (MPE): This helps assess whether a given metric has a systematic bias in one direction or another. It has the advantage of being unit-free (i.e., the interpretation is similar in small and large states).
- The mean absolute percentage error across states (MAPE): This metric also helps assess the accuracy of the forecasts. It has the advantage of being unit-free (i.e., the interpretation is similar in small and large states).

Table 1: Validation of State Population Projections at Predicting 2019 State Populations

	Model	ME	RMSE	MAE	MPE	MAPE
(1):	Linear model (decade)	-20,821	71,748	32,448	-0.29%	0.57%
(2):	Linear model (4 years)	-12,219	33,933	14,513	-0.11%	0.21%
(3):	Delta in last two years	-2,940	12,129	6,073	-0.02%	0.09%
(4):	State space model	-4,034	12,623	6,766	-0.04%	0.13%

18. Table 1 shows the results. Overall, the state space model (4) and delta model (3) perform the best in this validation exercise. These models have much less error than the other models across all the metrics. Other studies have shown that state space models generally outperform other modeling approaches due to its flexibility (Hyndman et al. 2008; Hyndman and Athanasopoulos 2018). It also provides measures of uncertainty. As a result, I use this approach in my main analysis. I also show below, however, that I reach very similar findings using the delta model (3) (see Additional Scenario #6).

D. Baseline estimates of 2020 populations

19. The next stage is to use the official Census population estimates to project each geographic unit's population in 2020. Table 2 shows the results.⁵ Note that all of the analysis of apportionment that follow fully incorporate the uncertainties in these projections.

⁵ The projections shown here do not include the overseas military population, federal employees, and dependents. However, the apportionment projections in Table 6 do include these groups.

Table 2: State population projections

State	2010 Population	2019 Population	2020 Population Projection
Alabama	4,779,736	4,903,185	4,918,700
Alaska	710,231	731,545	728,000
Arizona	6,392,017	7,278,717	7,399,400
Arkansas	2,915,918	3,017,804	3,025,900
California	37,253,956	39,512,223	39,724,500
Colorado	5,029,196	5,758,736	5,833,000
Connecticut	3,574,097	3,565,287	3,565,300
Delaware	897,934	973,764	982,000
District of Columbia	601,723	705,749	710,000
Florida	18,801,310	21,477,737	21,706,500
Georgia	9,687,653	10,617,423	10,723,200
Hawaii	1,360,301	1,415,872	1,411,500
Idaho	1,567,582	1,787,065	1,823,600
Illinois	12,830,632	12,671,821	12,622,100
Indiana	6,483,802	6,732,219	6,769,900
Iowa	3,046,355	3,155,070	3,168,400
Kansas	2,853,118	2,913,314	2,915,500
Kentucky	4,339,367	4,467,673	4,474,200
Louisiana	4,533,372	4,648,794	4,650,500
Maine	1,328,361	1,344,212	1,349,400
Maryland	5,773,552	6,045,680	6,071,200
Massachusetts	6,547,629	6,892,503	6,904,900
Michigan	9,883,640	9,986,857	9,986,900
Minnesota	5,303,925	5,639,632	5,676,100
Mississippi	2,967,297	2,976,149	2,972,300
Missouri	5,988,927	6,137,428	6,152,400
Montana	989,415	1,068,778	1,077,400
Nebraska	1,826,341	1,934,408	1,946,500
Nevada	2,700,551	3,080,156	3,132,200
New Hampshire	1,316,470	1,359,711	1,363,300
New Jersey	8,791,894	8,882,190	8,894,300
New Mexico	2,059,179	2,096,829	2,100,400
New York	19,378,102	19,453,561	19,377,200
North Carolina	9,535,483	10,488,084	10,594,600
North Dakota	672,591	762,062	766,100
Ohio	11,536,504	11,689,100	11,706,400
Oklahoma	3,751,351	3,956,971	3,971,200
Oregon	3,831,074	4,217,737	4,260,000
Pennsylvania	12,702,379	12,801,989	12,803,100
Rhode Island	1,052,567	1,059,361	1,059,400
South Carolina	4,625,364	5,148,714	5,213,000
South Dakota	814,180	884,659	891,700
Tennessee	6,346,105	6,829,174	6,886,700
Texas	25,145,561	28,995,881	29,432,600
Utah	2,763,885	3,205,958	3,259,800
Vermont	625,741	623,989	624,100
Virginia	8,001,024	8,535,519	8,570,600
Washington	6,724,540	7,614,893	7,707,400
West Virginia	1,852,994	1,792,147	1,780,000
Wisconsin	5,686,986	5,822,434	5,836,800
Wyoming	563,626	578,759	578,700

III. Estimating the Overseas Federal Population Allocated to each State

20. The population estimates above include all people living in the United States. However, the populations used for apportionment also include overseas federal employees and their

dependents.⁶ Thus, it is necessary to estimate how overseas federal employees and dependents would be allocated for purposes of apportionment.

21. In the 2010 Census, the overseas military population were generally allocated to their “home of record” (the address provided when the service member entered the military) for purposes of apportionment.⁷ For the 2020 Census, however, all overseas federal personnel will be counted at their usual residential address in the United States.⁸ In other words, military personnel will typically be counted as residing in or near the domestic base where they are stationed. Unfortunately, there is no currently available public estimate of how these overseas personnel will be allocated to individual states. The Census Bureau has stated that it plans to count federal personnel living outside the United States, and their dependents living with them outside the United States, using administrative data provided by the Department of Defense and the Department of Homeland Security.⁹

22. I used the following process to estimate the number of overseas federal population that will be allocated to each state for apportionment:

- First, I estimated the number of military personnel overseas in each branch using data from the Department of Defense from March, 2020.¹⁰
- Second, I allocated these personnel to each state in proportion to the number of service members in each branch based in each state.¹¹ This approach implicitly assumes that each

⁶ “Overseas” is defined as anywhere outside the 50 U.S. States and the District of Columbia.

⁷ See the Census Bureau’s FAQ on Congressional Apportionment in the 2010 Census.

<https://webcache.googleusercontent.com/search?q=cache:WTXwriFql5AJ:https://www.census.gov/population/apportionment/about/faq.html+&cd=2&hl=en&ct=clnk&gl=us&client=safari> and <https://www.prb.org/how-does-the-u-s-census-bureau-count-people-who-have-more-than-one-address/>.

⁸ See <https://www.prb.org/how-does-the-u-s-census-bureau-count-people-who-have-more-than-one-address/>.

⁹ See <https://www.doi.gov/sites/doi.gov/files/uploads/oia-02052020-census-and-the-military.pdf>.

¹⁰ I used the spreadsheet DMDC_Website_Location_Report_2003.xlsx that is available from https://www.dmdc.osd.mil/appj/dwp/dwp_reports.jsp.

member of the military has an equal probability of being assigned abroad. While this is clearly a simplification, I believe it is the most reasonable analytical approach with currently available data.

- Third, I assumed that military personnel have the same number of dependents (1.44) as they did in the 2010 Census.¹²
- Finally, I assumed that the overseas federal civilian population is the same as in 2010 (39,674). Since the majority of overseas federal civilian employees are with the State Department,¹³ I assume these are all headquarters staff that work in Washington DC. I use ACS Commuting Flows from the Census to allocate them between the District of Columbia, Virginia, and Maryland.¹⁴ I also assumed that these civilian employees each have 1.44 dependents.
- Of course, this estimation method has considerable uncertainty. So I assumed that there is a standard error associated with my estimates of the overseas federal population for each state that is equal to 10% of the size of the estimates.

23. Based on this methodology, I estimate that there are about 230,000 overseas federal personnel. Including dependents, I estimate there are about 561,000 federal employees and dependents overseas population will be included for purposes of apportionment for the 2020 Census. Table 3 shows the state-by-state results. A copy of Table 3 is provided in Appendix

¹¹ I used the spreadsheet DMDC_Website_Location_Report_2003.xlsx that is available from https://www.dmdc.osd.mil/appj/dwp/dwp_reports.jsp.

¹² I used the “2010 Census Federally Affiliated Overseas Count Operation Assessment Report” that is available at https://www.census.gov/2010census/pdf/2010_Census_Federally_Affiliated_Overseas_Count_Operation_Assessment.pdf.

¹³ See the ‘2010 Census Federally Affiliated Overseas Count Operation Assessment Report’ that is available at https://www.census.gov/2010census/pdf/2010_Census_Federally_Affiliated_Overseas_Count_Operation_Assessment.pdf.

¹⁴ 98% of people that work in Washington DC live in Maryland, Virginia, or Washington, DC. See <https://www.census.gov/data/tables/2015/demo/metro-micro/commuting-flows-2015.html>.

A to this Declaration. My estimates indicate that California, North Carolina, Texas, and Virginia have the largest overseas federal populations.¹⁵ It is important to note that the federal overseas population is down by nearly 50% since the 2010 Census.¹⁶ This likely reflects the reduction in the nation's military deployments in conflict areas over the past decade.¹⁷

IV. Estimating the Number of Undocumented Immigrants in Each State

24. The President's Memorandum charges the Secretary of Commerce to "exclude from the apportionment base aliens who are not in a lawful immigration status under the Immigration and Nationality Act."¹⁸ In order to assess the impact of this memorandum, we next need to estimate the number of undocumented immigrants in each state.
25. There is no official estimate from the Census Bureau or any other federal government agency of the number of undocumented immigrants in each state that would be affected by the President's memorandum. The most commonly used estimates of the number of undocumented people have been developed by the Pew Research Center.¹⁹ There are hundreds of citations in Google Scholar for Pew's estimates of the number of undocumented immigrants in the United States. As a result, I use these estimates in my main analysis. However later, I also examine the estimates of the number of undocumented immigrants from a number of other organizations that use a variety of slightly different methodologies.

¹⁵ These estimates seem to be in-line with discussions in news coverage of apportionment. See <https://www.rollcall.com/2020/02/26/census-troop-counting-rules-could-tip-congressional-balance/>.

¹⁶ I use information on these populations from the 2010 apportionment available at <https://www.census.gov/data/tables/2010/dec/2010-apportionment-data.html>.

¹⁷ See Pew's report on the number of overseas military personnel at <https://www.pewresearch.org/fact-tank/2017/08/22/u-s-active-duty-military-presence-overseas-is-at-its-smallest-in-decades/>.

¹⁸ See <https://www.whitehouse.gov/presidential-actions/memorandum-excluding-illegal-aliens-apportionment-base-following-2020-census/>.

¹⁹ See <https://www.pewresearch.org/fact-tank/2019/06/12/us-unauthorized-immigrant-population-2017/>.

Each of these analyses yields substantively similar conclusion as my main analysis using Pew's data.

26. Pew estimates the U.S. unauthorized immigrant population from 1995-2017 in each state based on a residual estimation methodology that compares a demographic estimate of the number of immigrants residing legally in the country with the total number of immigrants as measured by either the American Community Survey (ACS) or the March Supplement to the Current Population Survey (CPS).²⁰ The difference is assumed to be the number of unauthorized immigrants in the survey, a number that later is adjusted for omissions from the survey (see below). The basic estimate is:

$$\text{Unauthorized Immigrants (U)} = \text{Survey, Total Foreign Born (F)} - \\ \text{Estimated Lawful Immigrant Population (L)}$$

27. The lawful resident immigrant population was estimated by applying demographic methods to counts of lawful admissions covering the period since 1980 obtained from the Department of Homeland Security's Office of Immigration Statistics²¹ and its predecessor at the Immigration and Naturalization Service, with projections to current years, when necessary. Initial estimates were calculated separately for age-gender groups in six states (California, Florida, Illinois, New Jersey, New York and Texas) and the balance of the country. This residual method has been used in a wide variety of government reports and peer reviewed articles (e.g., Baker 2018; Warren and Warren 2013; Passel 2016).
28. The overall estimates for unauthorized immigrants built on these residuals by adjusting for survey omissions in these six states and the balance of the country, subdivided for Mexican immigrants and other groups of immigrants (balance of Latin America, South and East Asia,

²⁰ The next few paragraphs of this section are adapted from Pew's discussion of their methodology at <https://www.pewresearch.org/hispanic/2018/11/27/unauthorized-immigration-estimate-methodology/>.

²¹ See <https://www.dhs.gov/immigration-statistics/yearbook/2016/>.

rest of world) depending on sample size and state. Once the residual estimates were produced, Pew assigned individual foreign-born respondents in the survey a specific status (one option being unauthorized immigrant) based on the individual's demographic, social, economic, geographic and family characteristics in numbers that agree with the initial residual estimates for the estimated lawful immigrant and unauthorized immigrant populations in the survey. A last step in the weighting-estimation process involves developing state-level estimates that take into account trends over time in the estimates.

29. Overall, Pew estimates there were about 10,481,000 undocumented immigrants in the United States in 2017.²² They estimate that the states with the most undocumented immigrants are California, Texas, Florida, New York, and New Jersey. The states with the fewest undocumented immigrants are Maine, Montana, Vermont, and West Virginia.
30. Of course, Pew's estimation process has substantial uncertainties inherent in it. First, there is no way to know that individual respondents to the ACS and CPS are undocumented immigrants. Pew estimates undocumented status based on a variety of pieces of information.²³ Second, the ACS and CPS are themselves surveys, subject to sampling error. There could also be misreporting of country of birth on the ACS and/or unit non response by undocumented immigrants (Brown et al. 2018). In order to characterize these uncertainties, Pew provides a 90% confidence interval for their estimates of the number of undocumented people in each state.

²² These estimates seem plausible since the Department of Homeland Security estimated there were 12 million undocumented immigrants in the country in January 2015 (Baker 2018). They are also similar to estimates of the number of undocumented immigrants developed by other think tanks (see below).

²³ See <https://www.pewresearch.org/hispanic/2018/11/27/unauthorized-immigration-estimate-methodology/>.

31. Lastly, Pew's data of the number of undocumented immigrants in each state between 1995-2017 need to be projected 3 years forward to 2020.²⁴ To determine how to forecast the number of undocumented immigrants in each state, I compared the same four modeling strategies that I discussed earlier for the state population projections. For each method, I used data through 2014 to evaluate its performance at predicting the number of undocumented immigrants three years forward in 2017.
32. All of the models generate significant levels of error compared to the population forecasting validation shown above in Table 4. However, the state space model (4) and a linear time trend (2) using the previous four years of data perform somewhat better than the other models. In my main analysis, I use the state space model to project the number of undocumented immigrants in 2020. Moreover, I ensured that the state space model estimates fully incorporate the uncertainty in Pew's estimates in the number of undocumented immigrants (see Treier and Jackman 2008; Caughey and Warshaw 2018).²⁵ I checked the robustness of my analysis by showing that I reach similar substantive conclusions using the linear time trend model (see Additional Scenario #7).

Table 4: Validation of Forecasting Pew's Estimates of the Number of Undocumented Immigrants in 2017

Model	ME	RMSE	MAE	MPE	MAPE
(1): Linear model (decade)	-21,998.25	90,634.40	31,639.51	-3.34	14.56
(2): Linear model (4 years)	-10,944.23	50,403.96	25,971.15	-3.95	17.59
(3): Delta in last two years	-12,884.62	58,005.64	28,961.54	-0.40	19.24
(4): State space model	-13,688.05	55,204.49	22,794.32	-3.46	15.48

²⁴ Pew's data are available at <https://www.pewresearch.org/hispanic/interactives/unauthorized-trends/>.

²⁵ Specifically, I used the following approach. First, I constructed 100 simulations of the number of undocumented immigrants in each state from 2005-2017 using Pew's estimates and the associated confidence intervals. For each simulation, I used the state space model to forecast each state's number of undocumented immigrants in 2020. I then constructed a bootstrap sample of the forecast of undocumented immigrants in each state based on the mean and confidence intervals in the state space model's population forecast. Finally, I estimated the number of undocumented immigrants in each state in 2020, and its associated standard error to represent uncertainty, based on these simulations.

33. Table 5 shows the estimates of the number of undocumented immigrants in each state (standard errors that represent uncertainty are in parentheses). A copy of Table 5 is provided in Appendix A to this Declaration. It shows that California, Florida, Illinois, New Jersey, New York, and Texas each have at least 400,000 undocumented immigrants.²⁶
34. These final estimates take into account the uncertainty in Pew's initial estimates of the number of undocumented immigrants from 2005-2017. They also take into account the uncertainty in projecting the trends in each state from 2017-2020. In general, the additional uncertainty associated with forecasting to 2020 approximately triples the size of Pew's confidence intervals for their estimates of undocumented immigrants in each state in 2017.

A. Incorporating Uncertainty

35. All modeled estimates have uncertainty. My analyses uses bootstrap simulations to incorporate three sources of uncertainty in all my models:
- The uncertainty in the population forecasts in every state for 2020.
 - The uncertainty in the estimates of the overseas federal employees and dependents, and how they are allocated to states.
 - The uncertainty in the estimate of the number of undocumented immigrants in each state in 2020.

V. State-level Effects of Excluding Undocumented Immigrants from Apportionment Base

36. Now that we have calculated population projections and estimates of the number of undocumented immigrants in each state, we are in a position to estimate state-level impacts.

²⁶ These state-by-state figures are similar to those in a 2015 Department of Homeland Security report, which provided estimates of the number of undocumented immigrants in several states (Baker 2018).

A. Effect on State Population Enumerations

37. To begin, I analyzed the effects on the enumerated population of each state in 2020. The results are shown in Table 6. Column (1) of Table 6 shows the baseline apportionment population projections for each state (including the overseas military population, federal employees, and dependents). Column (2) shows my estimate of the number of undocumented immigrants in each state in 2020. Column (3) shows my estimate of the percentage of the apportionment population in each state that consists of undocumented immigrants.

Table 6: Estimates of Effect on State Population Enumerations in 2020

State	Baseline 2020 Apportionment Population	Undocumented Immigrants (Pew)	Undocumented Percentage
	(1)	(2)	(3)
Alabama	4,926,400	71,900	1.5%
Alaska	735,700	8,400	1.1%
Arizona	7,410,500	274,400	3.7%
Arkansas	3,028,800	65,300	2.2%
California	39,799,200	2,066,000	5.2%
Colorado	5,846,100	190,100	3.3%
Connecticut	3,568,100	148,300	4.2%
Delaware	984,300	29,700	3%
Florida	21,736,600	796,000	3.7%
Georgia	10,749,300	375,700	3.5%
Hawaii	1,428,900	43,800	3.1%
Idaho	1,825,700	38,300	2.1%
Illinois	12,633,400	409,300	3.2%
Indiana	6,773,300	103,200	1.5%
Iowa	3,169,100	51,000	1.6%
Kansas	2,924,300	81,300	2.8%
Kentucky	4,485,300	44,700	1%
Louisiana	4,657,900	100,100	2.1%
Maine	1,350,400	4,000	0.3%
Maryland	6,105,000	261,600	4.3%
Massachusetts	6,907,400	231,900	3.4%
Michigan	9,989,700	103,800	1%
Minnesota	5,677,700	86,800	1.5%
Mississippi	2,979,500	23,000	0.8%
Missouri	6,160,800	63,100	1%
Montana	1,079,300	4,400	0.4%
Nebraska	1,950,200	55,800	2.9%
Nevada	3,137,300	211,200	6.7%
New Hampshire	1,363,700	10,400	0.8%
New Jersey	8,899,400	493,200	5.5%
New Mexico	2,107,400	59,200	2.8%
New York	19,386,100	679,800	3.5%
North Carolina	10,639,700	330,800	3.1%
North Dakota	770,300	5,900	0.8%
Ohio	11,715,100	94,400	0.8%
Oklahoma	3,981,800	90,100	2.3%
Oregon	4,261,500	109,100	2.6%
Pennsylvania	12,809,600	217,800	1.7%
Rhode Island	1,061,000	32,900	3.1%
South Carolina	5,229,800	101,500	1.9%
South Dakota	893,800	5,700	0.6%
Tennessee	6,888,900	139,200	2%
Texas	29,479,700	1,649,100	5.6%
Utah	3,263,900	106,100	3.3%
Vermont	624,400	3,500	0.6%
Virginia	8,639,600	297,600	3.4%
Washington	7,730,300	274,400	3.5%
West Virginia	1,780,600	4,300	0.2%
Wisconsin	5,838,300	72,900	1.2%
Wyoming	580,300	4,800	0.8%

38. Overall, Table 6 indicates that each state would be affected by an exclusion of undocumented immigrants. Figure 1 shows a map of the percentage of people in each state that would be dropped from the Census apportionment base if undocumented immigrants are excluded.

Arizona, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Maryland, Massachusetts, Nevada, New Jersey, New York, North Carolina, Rhode Island, Texas, Utah, Virginia, and Washington would all lose at least 3% of their population from their apportionment base. Thus, they could be at risk of losing a congressional seat during apportionment.

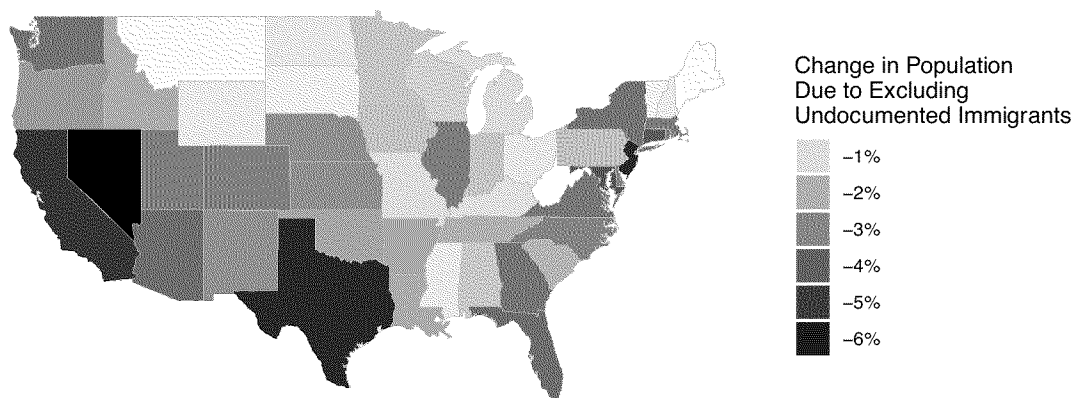


Figure 1: Effects on State Populations

B. Effect on Apportionment

39. Next, I used the population projections and estimates of undocumented immigrants in each state to examine the likely effect of excluding undocumented immigrants from the Census count on the apportionment of seats in the House of Representatives. Article 1, Section 2, of the United States Constitution states: “Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers.”

40. Since the first census in 1790, five methods of apportionment have been used. The government currently uses a method called the Method of Equal Proportions, which was

adopted by Congress in 1941 following the census of 1940. This method first assigns each state one seat. Then, additional seats in the House of Representatives are assigned to a “priority” value. The priority value for each seat is determined by multiplying the population of a state by a “multiplier.” The multiplier is $1/\sqrt{n(n-1)}$. So the formula for calculating the multiplier for the second seat is $1/\sqrt{2(2-1)}$ or 0.70710678, the formula for calculating the multiplier for the third seat is $1/\sqrt{3(3-1)}$ or 0.40824829, and so on. The Census provides an official table of these multipliers, which I used for my calculations.²⁷

41. The next step is to multiply the multipliers by the population total for each of the 50 states (the District of Columbia is not included in these calculations). The resulting numbers are the priority values. Multipliers and priority values must be calculated for the largest number of seats that could be assigned to a state. In my analysis, I calculated the priority values for each state for seats 2 through 60. The next step is to rank and number the resulting priority values starting with seat 51 until all 435 seats have been assigned. The final step is to tally the number of seats for each state to arrive at the total number of seats in the House of Representatives apportioned to each state.

42. I conducted these steps for 1,000 simulations of the population projections and undocumented populations in each state. Table 7 shows the results.²⁸ Column (1) shows the rounded, baseline projections for the number of seats that each state is likely to receive in 2020 if there is a full population enumeration. Column (2) shows the rounded projections for the number of seats that each state is likely to receive in 2020 if undocumented immigrants are excluded from the apportionment base. Column (3) shows the rounded, average change in

²⁷ See <https://www.census.gov/population/apportionment/about/computing.html>.

²⁸ Table 12 in the Appendix A shows unrounded numbers for this table.

the number of congressional seats each state would gain or lose due to the exclusion of undocumented immigrants. Finally, column (4) shows the probability that each state would lose at least one seat.

Table 7: Estimates of Effect of Excluding Undocumented Immigrants on Congressional Apportionment

State	Baseline Seats (1)	Seats after Exclusion (2)	Seat Delta (3)	Prob. Seat Loss (4)
Alabama	6	7	1	0%
Alaska	1	1	0	0%
Arizona	10	10	-0	0.3%
Arkansas	4	4	0	0%
California	52	51	-1	72.1%
Colorado	8	8	-0	0.3%
Connecticut	5	5	-0	3.4%
Delaware	1	1	0	0%
Florida	29	28	-0	38.4%
Georgia	14	14	0	0%
Hawaii	2	2	0	0%
Idaho	2	2	0	0%
Illinois	17	17	-0	10.1%
Indiana	9	9	0	0%
Iowa	4	4	0	0%
Kansas	4	4	0	0%
Kentucky	6	6	0	0%
Louisiana	6	6	0	0%
Maine	2	2	0	0%
Maryland	8	8	0	0%
Massachusetts	9	9	0	0%
Michigan	13	13	0	0%
Minnesota	7	8	1	0%
Mississippi	4	4	0	0%
Missouri	8	8	0	0%
Montana	2	2	0	0%
Nebraska	3	3	0	0%
Nevada	4	4	0	0%
New Hampshire	2	2	0	0%
New Jersey	12	11	-1	69.8%
New Mexico	3	3	0	0%
New York	26	25	-0	18.9%
North Carolina	14	14	0	0%
North Dakota	1	1	0	0%
Ohio	15	16	1	0%
Oklahoma	5	5	0	0%
Oregon	6	6	0	0%
Pennsylvania	17	17	0	0%
Rhode Island	1	1	0	0%
South Carolina	7	7	0	0%
South Dakota	1	1	0	0%
Tennessee	9	9	0	0%
Texas	39	38	-1	98.3%
Utah	4	4	0	0%
Vermont	1	1	0	0%
Virginia	11	11	0	0%
Washington	10	10	0	0%
West Virginia	2	2	0	0%
Wisconsin	8	8	0	0%
Wyoming	1	1	0	0%

43. My analysis indicates that there is a 98% chance that Texas would lose a Congressional seat if undocumented immigrants are excluded from the apportionment base. It loses a seat in

nearly every single one of my simulations. In addition, my analysis indicates that there is a 72% chance that California would lose a Congressional seat. On average, it loses .83 seats across my simulations (i.e., in most simulations it loses 1 seat, in some it loses 2 seats, and in some it loses zero seats). My analysis also indicates that there is a 70% chance that New Jersey would lose a Congressional seat if undocumented immigrants are excluded from the apportionment base. There are smaller chances that several other states could lose seats, including Connecticut, Florida, Illinois, and New York.²⁹

44. The states that lose seats in Congress would likely see decreases in their share of federal outlays due to their reduction in voting power in Congress. A number of economics and political science studies have found that distributive spending is allocated in part based on the number of seats that a geographic area has in Congress (e.g., Ansolabehere, Gerber, and Snyder 2002; Cascio and Washington 2014; Elis, Malhotra, and Meredith 2009). For instance, Elis, Malhotra, and Meredith (2009) find that a 10% increase in a state's share of the U.S. House of Representatives equates to a 0.7% increase in a state's share of the federal budget. This implies that an extra congressional seat can gain a state as much as \$100 per capita in additional federal funding (360).

VI. Robustness Checks

45. It is always helpful to evaluate the robustness of any analysis to alternative modeling assumptions. In this section, I undertake four different robustness checks. First, I evaluate the impact of using alternative sources of information on the number of undocumented immigrants in each state on my analysis. Second, I evaluate the impact of alternative population forecasting methodologies. Third, I evaluate whether my conclusions would differ

²⁹ Note the rounded numbers in Table 7 imply that Florida and New York would lose seats. The unrounded numbers in the Appendix (Table 12), however, show that there is a less 50% chance that they would lose a seat.

if former Census Director John H. Thompson is correct that the exclusion of undocumented immigrants from the apportionment base would cause an undercount of immigrant populations. I used the foreign-born population in the United States to evaluate the impact of an undercount of immigrants. Fourth, I compare my results to the conclusions of various organizations' reports on the impact of excluding undocumented immigrants on apportionment.

46. Overall, the analysis in this section shows that my conclusions are robust to a wide variety of alternative data sources and modeling strategies. They are also consistent with the findings of other organizations and analysts. All of these alternative data sources, methodologies, and third-party reports indicate that Texas would lose a congressional seat if undocumented immigrants are excluded from the apportionment base. They nearly all indicate that California would lose a seat. They also indicate that some mix of Florida, New Jersey, and New York could lose seats.

A. Robustness to Alternative Estimates of the Number of Un documented Immigrants

47. Due to the substantial uncertainties in Pew's estimates of the number of undocumented people in each state, I conducted a canvass of alternative sources of estimates for the undocumented population. I identified several alternative sources of data:

- Additional Scenario 1: The Migration Policy Institution (MPI) has developed estimates of the number of undocumented people in each state based on the U.S. Census Bureau's 2012-16 American Community Survey data.³⁰ They estimate there are about 11,300,000 undocumented immigrants in the United States. Their national estimate is very similar to

³⁰ See <https://www.migrationpolicy.org/programs/us-immigration-policy-program-data-hub/unauthorized-immigrant-population-profiles>.

Pew's estimate.³¹ However, their estimates differ more in some states. For instance, MPI estimates that there are about 50% more undocumented immigrants in California than Pew estimates. They do not provide measures of uncertainty for their estimates so I assume that each state has a standard error that is 10% of the state's point estimate.

- Additional Scenario 2: The Center for Migration Studies (CMS) has developed estimates of the number of undocumented people in each state in 2018.³² Their methodology is described in two articles that were published in the *Journal of Migration and Security* (Warren 2014, 2019). They estimate there are about 10,543,500 undocumented immigrants in the United States, which is nearly identical to Pew's national estimate.³³ They do not provide measures of uncertainty for their estimates so I assume that each state has a standard error that is 10% of the state's point estimate.
- Additional Scenario 3: Third, I examine a scenario where the national estimates of the number of undocumented immigrants are somewhat too high. To do this, I simply decrease all of my main estimates using Pew's data of the number of undocumented immigrants in each state by 20% to examine the effects on apportionment if the Pew, MPI, and CMS estimates of the total number of undocumented immigrants in the United States are all too high.
- Additional Scenario 4: Fourth, I examine a scenario where the national estimates of the number of undocumented immigrants are much too high. To do this, I decrease all of my main estimates using Pew's data on the number of undocumented immigrants in each state by 40%.

³¹ MPI's national estimate is about 8% higher than Pew's estimate.

³² Their estimates are available at <http://data.cmsny.org/state.html>.

³³ CMS's national estimate is about 0.5% higher than Pew's estimate.

- Additional Scenario 5: Finally, I examine a scenario where the national estimates of the number of undocumented immigrants are much too low. To do this, I increase all of my main estimates using Pew’s data on the number of undocumented immigrants in each state by 50%.

Table 8: Comparison of My Findings with Analyses Based on Alternative Estimates of the Number of Undocumented Immigrants. The table shows the probability that various states would lose seats in each scenario.

State	Main Analysis	Scenario #1 MPI	Scenario #2 CMS	Scenario #3 Pew (80%)	Scenario #4 Pew (60%)	Scenario #5 Pew (150%)
California	72%	100%	93%	49%	36%	92%
Florida	38%	0%	26%	39%	48%	60%
New Jersey	70%	80%	23%	57%	36%	91%
New York	19%	52%	19%	17%	28%	24%
Texas	98%	96%	98%	98%	98%	99.5%

48. Table 8 compares my main findings (the “Main Analysis” column) to analyses based on alternative estimates of the number of undocumented immigrants. It shows each of the states that at least one scenario (including my main analysis) finds has a 33% chance or more of losing a seat if undocumented immigrants are excluded from the apportionment base. For each of these states, it shows the probability that my analysis indicates the state would lose a seat and the probability it would lose a seat under the various alternative scenarios.
49. Overall, all of these analyses yield substantively similar results as my main analysis. In each scenario, Texas has more than 95% chance of losing a congressional seat if un documented immigrants are excluded from the apportionment base. Moreover, in all of the additional scenarios but one, California has about a 50% chance or more of losing a congressional seat. There is also a significant chance that Florida, New Jersey, and New York could lose a seat in most of the scenarios.

B. Robustness to Alternative Modeling Approaches

50. As I discussed above, there are a number of alternative approaches we could use to project the 2020 populations and estimates of undocumented immigrants in each state. In this section, I discuss alternative forecasting methodologies for each of these:

- Additional Scenario 6: For the population forecasts of each state in 2020, I use a forecasting methodology based on the deltas in the two most recent years. In Table 1, I found that this approach was roughly equivalent to the state space model. The state space model is preferable because it is more flexible and provides a measure of uncertainty.
- Additional Scenario 7: For the forecasts of the number of undocumented immigrants in each state in 2020 based on Pew's data, I use a methodology based on a linear time trends over the four most recent years. In Table 4, I found that this approach performed nearly as well as the state space model. The state space model is preferable because it is more flexible and requires fewer assumptions about future time trends.

51. Both of these alternative-modeling strategies produce similar results as my main results (Table 9). In each scenario, Texas is nearly certain to lose a seat. California and New Jersey are likely to lose seats in each scenario. Florida and New York also have significant chances of losing a seat in each scenario.

Table 9: Comparison of My Findings with Alternative Modeling Strategies. The table shows the probability that various states would lose seats in each scenario.

State	Main Analysis	Scenario #6 Alternative Population Forecasts	Scenario #7 Alternative Forecasts of Undoc. Imm.'s
California	72%	84%	75%
Florida	38%	45%	96%
New Jersey	70%	73%	51%
New York	19%	58%	30%
Texas	98%	99.5%	100%

C. Robustness to a Possible Census Undercount

52. The testimony of the former U.S. Census Bureau Director, John H. Thompson, to Congress on July 29, 2020 raises the possibility that the president’s memorandum could lead to nonresponse to the Census by hard-to-count populations, including noncitizens and immigrants.³⁴ This, in turn, could lead the Census to undercount foreign-born people. It is possible that planned reductions in door-to-door canvassing due to COVID-19 could lead to a further undercount of foreign-born people.³⁵
53. In this section, I examine whether an undercount of foreign-born people would affect my findings about the effects of excluding undocumented immigrants from the apportionment base. I use my estimates from *New York Immigration Coalition et al v. United States Department of Commerce*, No. 18-CV-2921-JMF (S.D. NY) of the number of foreign-born people in each state. I then assess the consequences of a scenario with a 10% undercount of foreign-born people using the same methodology that I use in my main analyses. I am adopting my declaration provided in that matter by reference and include a copy in Appendix B.

Table 10: Comparison of My Findings with Analyses that Assume 10% Undercount of Foreign-born People. The table shows the probability that various states would lose seats in each scenario.

State	Main Analysis	Scenario #8 Undercount
California	72%	67%
Florida	38%	0%
New Jersey	70%	93%
New York	19%	0%
Texas	98%	76%

³⁴ See Statement of John H Thompson, Former Director U.S. Census Bureau (August 2013 – June 2017), For the House Committee on Oversight and Reform, U.S. House of Representatives, July 29, 2020 <https://tinyurl.com/y67ojjqb>.

³⁵ See <https://www.npr.org/2020/07/30/896656747/when-does-census-counting-end-bureau-sends-alarming-mixed-signals> and <https://www.nytimes.com/2020/08/04/us/2020-census-ending-early.html>.

54. Table 10 compares my main findings to the results of this undercount scenario. It shows each state that my analysis indicates has a significant chance of losing a seat if undocumented immigrants are excluded from the apportionment base. Once again, in this scenario Texas is likely to lose a congressional seat if undocumented immigrants are excluded from the apportionment base. California and New Jersey are also likely to lose congressional seats.

D. Comparison with Other Organizations' Analyses

55. There have been a number of studies and reports by various organizations estimating how excluding undocumented immigrants would affect apportionment. These include:

- The Pew Research Center³⁶
- The Center for Immigration Studies (CIS)³⁷
- The Center for Politics at the University of Virginia (CfP)³⁸
- A peer reviewed academic study published in 2019 (Baumle and Poston Jr 2019).

Table 11: Comparison of My Findings with Other Studies. The table shows whether each study finds various states would lose a seat.

State	Main Analysis (1)	Pew (2)	CIS (3)	CfP (4)	Academic Study (5)
Arizona	0.3%				X
California	72%	X	X	X	X
Florida	38%	X			X
New Jersey	70%			X	
New York	19%		X		
Texas	98%	X	X	X	X

56. Table 11 compares my main findings to the results of these studies. It shows each state that at least one study finds would lose a seat if undocumented immigrants are excluded from the apportionment base. For each of these states, it shows the probability that my analysis

³⁶ See <https://www.pewresearch.org/fact-tank/2020/07/24/how-removing-unauthorized-immigrants-from-census-statistics-could-affect-house-reapportionment/>

³⁷ See https://cis.org/sites/default/files/2019-12/camarota-apportionment-12-19_1.pdf.

³⁸ See <http://centerforpolitics.org/crystalball/articles/excluding-undocumented-immigrants-from-the-2020-u-s-house-apportionment/>.

indicates the state would lose a seat and an X for each of the other studies that shows it would lose a seat.

57. Overall, each of these four other studies reaches substantively similar conclusions as the ones in this Declaration. They all conclude that California and Texas would lose congressional seats if undocumented immigrants are excluded from the apportionment base. They also find a mix of other states that might lose seats, including Arizona, Florida, New Jersey, and New York.

VII. Conclusion

58. Based on the analyses in this Declaration, I conclude that failing to count undocumented immigrants for apportionment is likely to have effects on the population counts of each state, and the apportionment of representatives across states for the U.S. House. Texas is nearly certain to lose a congressional seat. California and New Jersey are very likely to each lose a congressional seat. Other states, such as Florida and New York could lose seats as well. This would affect political representation in Congress. For instance, it is likely to affect the distribution of federal funds to each state, and the general power that each state holds in Congress.

I reserve the right to amend or supplement my opinions if additional information or materials become available. I declare under penalty of perjury under the laws of the United States that the forgoing is true and correct to the best of my knowledge.

Executed on August 7, 2020 in Bethesda, Maryland.

A handwritten signature in cursive script that reads "Chris Warshaw".

Christopher Warshaw

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Appendix A**1. Estimates of Overseas Federal Personnel**

Table 3: Estimates of Overseas Federal Personnel in each State in 2020.

State	Overseas Personnel
Alabama	7,700
Alaska	7,500
Arizona	11,000
Arkansas	2,900
California	74,900
Colorado	14,200
Connecticut	2,600
Delaware	2,100
Florida	29,500
Georgia	26,800
Hawaii	17,500
Idaho	2,200
Illinois	10,300
Indiana	3,300
Iowa	900
Kansas	8,300
Kentucky	11,200
Louisiana	7,300
Maine	1,100
Maryland	33,600
Massachusetts	2,700
Michigan	2,900
Minnesota	1,600
Mississippi	6,700
Missouri	8,400
Montana	2,000
Nebraska	3,600
Nevada	6,200
New Hampshire	700
New Jersey	5,300
New Mexico	7,000
New York	9,300
North Carolina	44,500
North Dakota	4,000
Ohio	8,600
Oklahoma	10,700
Oregon	1,200
Pennsylvania	6,900
Rhode Island	1,700
South Carolina	16,400
South Dakota	2,000
Tennessee	2,600
Texas	51,500
Utah	4,200
Vermont	300
Virginia	68,800
Washington	23,000
West Virginia	700
Wisconsin	1,600
Wyoming	1,800

2. Estimates of Undocumented Immigrants

Table 5: Estimates of Undocumented Immigrants in each State in 2020. Standard errors, which represent the uncertainty in each estimate, are shown in parentheses.

State	Undocumented Immigrants
Alabama	71,900 (28,800)
Alaska	8,400 (3,500)
Arizona	274,400 (56,400)
Arkansas	65,300 (20,400)
California	2,066,000 (275,700)
Colorado	190,100 (50,200)
Connecticut	148,300 (67,700)
Delaware	29,700 (12,100)
Florida	796,000 (105,300)
Georgia	375,700 (140,000)
Hawaii	43,800 (19,000)
Idaho	38,300 (9,400)
Illinois	409,300 (70,100)
Indiana	103,200 (48,200)
Iowa	51,000 (20,400)
Kansas	81,300 (27,900)
Kentucky	44,700 (20,400)
Louisiana	100,100 (61,500)
Maine	4,000 (1,900)
Maryland	261,600 (76,300)
Massachusetts	231,900 (69,300)
Michigan	103,800 (37,500)
Minnesota	86,800 (34,200)
Mississippi	23,000 (11,600)
Missouri	63,100 (31,300)
Montana	4,400 (1,700)
Nebraska	55,800 (17,900)
Nevada	211,200 (31,600)
New Hampshire	10,400 (4,400)
New Jersey	493,200 (90,000)
New Mexico	59,200 (16,600)
New York	679,800 (102,000)
North Carolina	330,800 (73,400)
North Dakota	5,900 (3,200)
Ohio	94,400 (43,400)
Oklahoma	90,100 (30,200)
Oregon	109,100 (32,200)
Pennsylvania	217,800 (85,500)
Rhode Island	32,900 (12,000)
South Carolina	101,500 (47,500)
South Dakota	5,700 (2,300)
Tennessee	139,200 (56,000)
Texas	1,649,100 (182,200)
Utah	106,100 (19,100)
Vermont	3,500 (1,600)
Virginia	297,600 (104,600)
Washington	274,400 (82,600)
West Virginia	4,300 (2,000)
Wisconsin	72,900 (31,000)
Wyoming	4,800 (1,900)

3. Unrounded Main Results for Congressional Apportionment

Table 12: Unrounded Estimates of Excluding Undocumented Immigrants on Congressional Apportionment

State	Baseline Seats (1)	Seats after Exclusion (2)	Seat Delta (3)	Prob. Seat Loss (4)
Alabama	6.46	7.00	0.54	0%
Alaska	1.00	1.00	0.00	0%
Arizona	10.00	10.00	-0.00	0.3%
Arkansas	4.00	4.00	0.00	0%
California	52.15	51.32	-0.83	72.1%
Colorado	8.00	8.00	-0.00	0.3%
Connecticut	5.00	4.97	-0.03	3.4%
Delaware	1.00	1.00	0.00	0%
Florida	28.86	28.47	-0.38	38.4%
Georgia	14.00	14.02	0.02	0%
Hawaii	2.00	2.00	0.00	0%
Idaho	2.00	2.12	0.12	0%
Illinois	17.00	16.90	-0.10	10.1%
Indiana	9.00	9.00	0.00	0%
Iowa	4.00	4.00	0.00	0%
Kansas	4.00	4.00	0.00	0%
Kentucky	6.00	6.00	0.00	0%
Louisiana	6.00	6.02	0.02	0%
Maine	2.00	2.00	0.00	0%
Maryland	8.00	8.00	0.00	0%
Massachusetts	9.00	9.00	0.00	0%
Michigan	13.00	13.28	0.28	0%
Minnesota	7.07	8.00	0.92	0%
Mississippi	4.00	4.00	0.00	0%
Missouri	8.00	8.00	0.00	0%
Montana	1.92	2.00	0.08	0%
Nebraska	3.00	3.00	0.00	0%
Nevada	4.00	4.00	0.00	0%
New Hampshire	2.00	2.00	0.00	0%
New Jersey	12.00	11.30	-0.70	69.8%
New Mexico	3.00	3.00	0.00	0%
New York	25.54	25.35	-0.19	18.9%
North Carolina	14.00	14.00	0.00	0%
North Dakota	1.00	1.00	0.00	0%
Ohio	15.00	16.00	1.00	0%
Oklahoma	5.00	5.00	0.00	0%
Oregon	6.00	6.00	0.00	0%
Pennsylvania	17.00	17.00	0.00	0%
Rhode Island	1.00	1.17	0.17	0%
South Carolina	7.00	7.00	0.00	0%
South Dakota	1.00	1.00	0.00	0%
Tennessee	9.00	9.00	0.00	0%
Texas	38.99	37.93	-1.06	98.3%
Utah	4.00	4.00	0.00	0%
Vermont	1.00	1.00	0.00	0%
Virginia	11.00	11.16	0.16	0%
Washington	10.00	10.00	0.00	0%
West Virginia	2.00	2.00	0.00	0%
Wisconsin	8.00	8.00	0.00	0%
Wyoming	1.00	1.00	0.00	0%

Appendix B

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

NEW YORK IMMIGRATION
COALITION, *et. al.*,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
COMMERCE, *et. al.*,

Defendant.

Civil Action No. 18-CV-2921-JMF

Hon. Jesse M. Furman

DECLARATION OF DR. CHRISTOPHER WARSHAW

I. Qualifications

1. I have been asked by counsel representing the plaintiffs in *New York Immigration Coalition v. U.S. Dept of Commerce* and *State of New York v. U.S. Dept of Commerce* to analyze relevant data and provide my expert opinions. More specifically, I have been asked: to forecast the populations of every state, county, and city in the United States in 2020; given the assumption that various demographic groups are likely to be undercounted due to the inclusion of a citizenship question on the Census, to estimate the proportion of the population that belongs to those groups; to estimate the proportion of the population in every state, county, and city in the United States that belongs to those demographic groups assumed to be likely to be undercounted in 2020 due to the inclusion of a citizenship question on the Census; to analyze the likely effects of an undercount caused by the citizenship question affecting those same demographic groups on the apportionment of representatives across states for the U.S. House of Representatives; and to examine the likely consequences of an undercount caused by the citizenship question affecting those demographic groups on the

distribution of people in urban and rural counties. My expert report is PX-32 and the errata to that report is PX-323.

2. I have been an Assistant Professor of Political Science at George Washington University since August 2017. Prior to that, I was an Associate Professor at the Massachusetts Institute of Technology from July 2016 - July 2017, and an Assistant Professor at MIT from July 2012 - July 2016.
3. My Ph.D. is in Political Science, from Stanford University, where my graduate training included courses in political science and statistics. I also have a J.D. from Stanford Law School.
4. My academic research focuses on public opinion based on surveys and census data, as well as the study of representation, elections, and polarization in American Politics. I have also taught courses on statistical analysis. My curriculum vitae is PX-323. All publications that I have authored and published appear in my curriculum vitae. My work is published or forthcoming in peer-reviewed journals such as: *American Political Science Review*, the *American Journal of Political Sciences*, the *Journal of Politics*, *Political Analysis*, *Political Science Research and Methods*, the *British Journal of Political Science*, *Political Behavior*, the *Election Law Journal*, *Nature Energy*, *Public Choice* and edited volumes from Cambridge University Press and Oxford University.
5. I am also on the Editorial Board of the *Journal of Politics*. I have previously provided expert reports in *League of Women Voters of Pennsylvania v. Commonwealth of Pennsylvania* and *League of Women Voters of Michigan v. Johnson*. My non-academic writing has been published in the *New York Times Upshot*.

6. The opinions in this declaration are my own, and do not represent the views of George Washington University.
7. I offer these opinions with a strong degree of professional certainty based on the knowledge I have amassed over my education, training and experience, and through a detailed review of the relevant academic literature.

II. Projecting Future Populations

8. The first stage of my analysis is to develop baseline projections of the population of each state, county, and city in the country in 2020. These projections are critical to determining the likely effects of an undercount in the Census due to the inclusion of a citizenship question. In order to develop these estimates, I use the Census's official estimates of the population of each state, county, and city from 2000-2017. The Census does not provide public estimates of each geographic unit's populations in future years.

A. Data

9. The Census Bureau's Population Estimates Program (PEP) produces estimates of the population for the United States, states, counties, cities, towns, and other geographic areas. These aggregate estimates are based on the demographic components of population change (births, deaths, and migration) at each level of geography.¹
10. My population projections are based on these official population estimates for each state, county, and city for the period from 2000-2017.
11. For the state populations from 2010-2017, I used the file 'nst-est2017-01.xlsx' which I obtained from <https://www.census.gov/data/tables/2017/demo/pepest/state-total.html>. For the

¹ I do not directly use the more detailed cohort-component method used by the Census for my population projections because this information is unavailable for some geographic levels, particularly for the 2000-2010 period. It is also unclear whether the additional complexities associated with this approach would yield substantial gains in predictive accuracy.

populations from 2000-2009, I used the file 'st-est00int-01.xls' from <https://www.census.gov/data/tables/time-series/demo/pepest/intercensal-2000-2010-state.html>.

12. For the county populations from 2010-2017, I used the file 'co-est2017-alldata.csv' from <https://www.census.gov/data/tables/2017/demo/pepest/counties-total.html>. For the populations from 2000-2009, I used the file 'co-est00int-tot.csv' from <https://www.census.gov/data/tables/time-series/demo/pepest/intercensal-2000-2010-counties.html>.

13. For the county populations from 2010-2017, I used the file 'co-est2017-alldata.csv' from <https://www.census.gov/data/tables/2017/demo/pepest/counties-total.html>. For the populations from 2000-2009, I used the file 'co-est00int-tot.csv' from <https://www.census.gov/data/tables/time-series/demo/pepest/intercensal-2000-2010-counties.html>.

14. For the city populations from 2010-2017, I used the data in Factfinder available from <https://www.census.gov/data/tables/2017/demo/pepest/total-cities-and-towns.html>. For the populations from 2000-2009, I used the file 'sub-est00int.csv' from <https://www.census.gov/data/datasets/time-series/demo/pepest/intercensal-2000-2010-cities-and-towns.html>.

B. Statistical Model for Population Projections

15. There are a number of potential options for forecasting the likely population of a geographic unit (e.g., states) in 2020. One possible forecasting option would be to allow the forecasts to increase or decrease over time, where the amount of change over time (called the drift) is set to be the average change in the historical data. *See* Hyndman and Athanasopoulos 2018, at 48-49. Some related methods in this family of forecasting approaches are:

- a. Linear trend between 2010-2017: One possibility is to project forward based on the linear trend in the population estimates since the last Census (e.g., Election Data Services 2017). This approach assumes that each geographic unit's population follows the same linear rate of change in the future that it has followed over the past decade. This approach has the benefit of using many years of data, but it could yield biased estimates if the population trends have changed over this period. I estimate linear trends using a simple linear regression model in the software program R.
- b. Linear trend between 2014-2017: Another possibility is to project forward based on the linear trend in the population estimates over the past 4 years. This approach assumes that each geographic unit's population follows the same linear trend in the future that it has followed over this shorter time period. This approach has the benefit of being sensitive to more recent trends, but it could be noisier than estimates based on the longer time series. That is, it could be overly sensitive to short-term trends. I estimate linear trends using a simple linear regression model in R.
- c. Change between two most recent years (i.e., 2016 to 2017): A third possibility is to focus on the change between each geographic unit's populations in the two most recent years, and assume that future years will follow this recent trend. This approach has the benefit of being based on the most recent changes in populations, but it could also be overly sensitive to short-term idiosyncratic trends. I estimate these short-term trends using the software program R.

16. As Hyndman and Athanasopoulos discuss, “Sometimes one of these simple methods will be the best forecasting method available; but in many cases, these methods will serve as benchmarks rather than the method of choice. That is, any forecasting methods . . . will be compared to these simple methods to ensure that the new method is better than these simple alternatives. If not, the new method is not worth considering.” *Id.* at 50.
17. I consider one more complex approach against these benchmarks, a state space model with exponential smoothing: This approach uses an exponential smoothing model that weights levels and trends to an extent determined by the data. *See* Hyndman and Athanasopoulos. This model uses all of the available data, but it gives more weight to the most recent years. I estimate the exponential smoothing model using the ets function in the forecast package in R.²

C. Validation of Population Projections

18. The accuracy of forecasting models can only be determined by considering how well a given model performs on new data that were not used when fitting the original model. *Id.* at 62. In order to choose the best model for this analysis, I evaluated each model using two benchmarks that are similar to the challenge of forecasting the 2020 populations. First, I forecasted the Census 2010 population in each state based on 2000-2007 population estimates data. Second, I forecasted the 2017 population estimates in each state based on 2007-2014 population data. For each analysis, I used the following evaluation metrics. *Id.* at 64-65.

² For my state-level population projections, I used the default parameters for the ets function in R, which allowed the function to choose the exponential smoothing state space model that best fit the data in each state. The best model was usually an ‘MAN’ or ‘AAN’ model. For the population projections for cities and counties, I estimated an ‘MAN’ state space model using the ets function. The details of the state space model specification, however, do not affect any of my substantive conclusions. All of the state space models yield very similar results.

- a. The mean error across states: This helps assess whether a given metric has a systematic bias in one direction or another.
- b. The mean absolute error across states: This helps assess the accuracy of the forecasts.
- c. The mean absolute proportional error across states: This metric also helps assess the accuracy of the forecasts. It has the advantage of being unit-free (i.e., the interpretation is similar in small and large states).

19. Table 1 shows the results. For the forecast of the 2010 population, the state space model performs the best, with the lowest error, the second lowest mean absolute error, and the lowest absolute proportional errors. The two linear trend models perform the worst on this forecasting exercise. For the forecast of the 2017 population, the state space model and the linear trend model using data from 2010-2017 perform the best. The state space model has slightly lower mean errors, and the two models have similar mean absolute errors and absolute proportional errors.

Table 1: Validation of State Population Projections

Model	2010			2017		
	Mean Error	Mean Abs. Error	Mean Abs. Prop. Error	Mean Error	Mean Abs Error	Mean Abs. Prop. Error
Linear model (full period)	22,800	62,860	0.013	7,827	32,003	0.007
Linear model (4 years)	27,399	82,106	0.014	33,420	59,396	0.014
Delta in last two years	20,383	50,663	0.010	140,472	142,506	0.020
State space model	5,826	51,033	0.009	-2,599	33,378	0.008

20. Overall, the state space model performs the best across the two validation exercises. It has an average absolute proportional error of only .8% and an average absolute error of only about 40,000 people in each state. As a result, I use the state space model as my main forecasting model to generate population projections. However, the results of all the analyses that follow would be substantively similar using any of these population forecasting approaches.

D. Incorporating Uncertainty

21. All modeled estimates have uncertainty. My analyses use bootstrap simulations to incorporate two sources of uncertainty in all my models:

- The uncertainty in the population forecasts in every geographic unit
- Where available, uncertainty in the undercount estimates for each group

E. Baseline estimates of 2020 populations with no undercount

22. I used the official Census population estimates to project each geographic unit's population in 2020. Table 2 shows the population projections for a selection of cities and counties involved in lawsuits regarding the citizenship question. Table 3 shows the population projections for each state.³ All of the analysis of apportionment that follows fully incorporates the uncertainties in the projections discussed above. But for simplicity, the tables themselves do not show the uncertainties.

Table 2: Population Projections in Select Counties and Cities

County/City	2010 Population	2017 Population	2020 Population Projection
Phoenix, AZ	1,446,909	1,626,078	1,698,187
Los Angeles County, CA	9,818,605	10,163,507	10,256,275
Monterey County, CA	415,052	437,907	444,016
San Francisco, CA	805,193	884,363	909,143
Miami, FL	399,457	463,347	491,295
Chicago, IL	2,695,620	2,716,450	2,704,974
Price Georges County, MD	863,420	912,756	931,412
New York NY	8,174,959	8,622,698	8,645,147
Columbus, OH	788,877	879,170	925,408
Philadelphia, PA	1,526,006	1,580,863	1,598,072
Pittsburgh, PA	305,391	302,407	297,243
Central Falls, RI	19,393	19,359	19,250
Providence, RI	177,997	180,393	181,532
Cameron County, TX	406,219	423,725	429,603
El Paso County, TX	800,647	840,410	851,600
Hidalgo County, TX	774,770	860,661	892,083
Seattle, WA	608,664	724,745	780,550

³ The projections shown here do not include the overseas military population, federal employees, and dependents. However, the apportionment projections in Table 5 do include these groups.

Table 3: State population projections

State	2010 Population	2017 Population	2020 Population Projection
Alabama	4,779,736	4,874,747	4,917,351
Alaska	710,231	739,795	739,473
Arizona	6,392,017	7,016,270	7,339,157
Arkansas	2,915,918	3,004,279	3,051,838
California	37,253,956	39,536,653	40,505,540
Colorado	5,029,196	5,607,154	5,823,386
Connecticut	3,574,097	3,588,184	3,589,649
Delaware	897,934	961,939	989,662
District of Columbia	601,723	693,972	722,881
Florida	18,801,310	20,984,400	21,967,862
Georgia	9,687,653	10,429,379	10,776,655
Hawaii	1,360,301	1,427,538	1,429,641
Idaho	1,567,582	1,716,943	1,827,695
Illinois	12,830,632	12,802,023	12,701,647
Indiana	6,483,802	6,666,818	6,761,903
Iowa	3,046,355	3,145,711	3,182,994
Kansas	2,853,118	2,913,123	2,925,781
Kentucky	4,339,367	4,454,189	4,508,391
Louisiana	4,533,372	4,684,333	4,684,247
Maine	1,328,361	1,335,907	1,349,155
Maryland	5,773,552	6,052,177	6,187,649
Massachusetts	6,547,629	6,859,819	6,966,760
Michigan	9,883,640	9,962,311	9,962,308
Minnesota	5,303,925	5,576,606	5,690,791
Mississippi	2,967,297	2,984,100	2,984,630
Missouri	5,988,927	6,113,532	6,180,600
Montana	989,415	1,050,493	1,079,083
Nebraska	1,826,341	1,920,076	1,957,570
Nevada	2,700,551	2,998,039	3,174,453
New Hampshire	1,316,470	1,342,795	1,366,068
New Jersey	8,791,894	9,005,644	9,106,936
New Mexico	2,059,179	2,088,070	2,095,989
New York	19,378,102	19,849,399	19,885,662
North Carolina	9,535,483	10,273,419	10,623,613
North Dakota	672,591	755,393	752,711
Ohio	11,536,504	11,658,609	11,713,096
Oklahoma	3,751,351	3,930,864	3,974,666
Oregon	3,831,074	4,142,776	4,269,590
Pennsylvania	12,702,379	12,805,537	12,838,064
Rhode Island	1,052,567	1,059,639	1,059,639
South Carolina	4,625,364	5,024,369	5,213,894
South Dakota	814,180	869,666	891,229
Tennessee	6,346,105	6,715,984	6,915,723
Texas	25,145,561	28,304,596	29,593,219
Utah	2,763,885	3,101,833	3,274,374
Vermont	625,741	623,657	622,506
Virginia	8,001,024	8,470,020	8,632,998
Washington	6,724,540	7,405,743	7,785,568
West Virginia	1,852,994	1,815,857	1,777,893
Wisconsin	5,686,986	5,795,483	5,858,478
Wyoming	563,626	579,315	565,592

III. Estimating Proportion of People Likely to be Undercounted Due to Citizenship Question

23. I was not asked to and I did not attempt to calculate the specific undercount that the addition of the citizenship question might cause. However, I evaluated a range of potential undercounts of individuals who live in households with at least one non-citizen, Hispanics or foreign-born member to demonstrate the potential effects that the addition of the citizenship question might have. Theory indicates that the addition of a citizenship question could lead to unit non-response, which occurs when a household does not respond to the Census, thereby depressing response rates among non-citizens and immigrant communities. Indeed, the Census acknowledges that it is “a reasonable inference that a question on citizenship would lead to some decline in overall self-response because it would make the 2020 Census modestly more burdensome in the direct sense, and potentially much more burdensome in the indirect sense that it would lead to a larger decline in self-response for noncitizen households.” (Abowd 2018, Section B2, p. AR 001281)

24. In my analysis, I use this information to look at three potential undercount scenarios:

- a. First, I used a 5.8% undercount estimate based on the results of the Census Bureau’s internal study of the effect of a citizenship question on self-response rates. For these analyses, I assumed that respondents that do not self-respond would not be enumerated.
- b. Second, I was asked by legal counsel to examine a potential 10% undercount for the analysis of state-level apportionment as an outer bound for the potential effects of the citizenship question on population enumerations and apportionment. This higher number reflects the Census’s finding that the differences between citizen and noncitizen

response rates and data quality are likely to be “amplified” compared to historical levels (Abowd 2018, Section B4, p. AR 001282). The Chief Scientist at the Census has acknowledged that the 5.8% estimate of the effect of the citizenship question on self-response rates is “a conservative estimate of the differential impact of the citizenship question on the self-response rates of noncitizens compared to citizens” (Abowd, J. Dep., Aug. 15, 2018, p. 202).

- c. Third, I was asked by legal counsel to examine a potential 2% undercount as a lower bound for the potential effects of the citizenship question on population enumerations. My report shows the results for cities and counties, and the calculations for a 2% undercount in states are PX-324. I was not asked to and I did not do any analysis of the impact of the Census Bureau’s Non-Response Follow-Up (“NRFU”) on non-response rates, but note that the 2% scenario could be viewed as taking into account some NRFU success after an initial larger nonresponse rate.

25. The recent Census Bureau studies discussed above focus largely on the effects of a citizenship question on self-response rates in non-citizen households. As a result, the first set of analyses I conducted for each of these undercount scenarios focuses on *people in households with a non-citizen* in them. Beyond the effects on non-citizen households, there are also strong theoretical reasons to believe that *citizen Hispanics* would also be less likely to respond to the Census if a citizenship question is included. Citizen Hispanics in immigrant communities could fear deportation due to their Census responses.⁴ Moreover, a large

⁴ Title 13, U.S.C. prohibits the use of Census data for enforcement purposes, but respondents may still have this concern (Brown et al. [2018](#)).

fraction of citizen Hispanics are likely to know non-citizens or even people that have been deported. The Census's internal analysis has shown that citizenship-related questions are likely to be more sensitive for Hispanics (Brown et al. 2018, p. 10). Indeed, the Census has found clear evidence there are likely to be differential impacts on self-response rates among Hispanics from the addition of a citizenship question. Hispanics have a greater breakoff rate (i.e., item non-response) on the citizenship question on the American Community Survey (ACS) than other demographic groups.⁵ There is also evidence of growing unit nonresponse rates among Hispanics on the ACS (Brown et al. 2018, p. 12). For these reasons, I analyzed the effect of all three undercount scenarios (2%, 5.8% and 10%) on *both people in non-citizen households and citizen Hispanics*.

A. Undercount Estimate Based on Original Survey Experiment

26. An empirical approach to determine the potential undercount caused by a citizenship question is through a randomized control trial (RCT). The Census Bureau suggests that an appropriate RCT could compare self-response rates between households “randomly chosen to have [] a citizenship question (the treated group), and a randomly chosen set of control households [that] receive a [] Census questionnaire without citizenship” (Brown et al. 2018, p. 39)
27. We were unable to conduct a real-world RCT. A similar approach, however, is to conduct an experiment that mimics an RCT on a nationally representative survey of Americans. As part of this case, the State of New York and other plaintiffs funded a nationally representative survey that included an experiment along these lines to examine whether the inclusion of a

⁵ See Abowd (2018, Section b3) and Brown et al. (2018, 7).

citizenship question would reduce the likelihood that people would complete the Census.⁶

This survey was designed by Dr. Matt Barreto and conducted by Pacific Market Research.⁷

1. Design of Survey

28. This survey included a probability sample of 6,309 people, including over-samples of Hispanics, Californians, and people in several cities and counties (San Jose, CA, Cameron County, TX, and Hidalgo County, TX).⁸ It was conducted via phone by Pacific Research Group to both landlines and cell phones using live interviews and random digit dialing. The survey asked a number of questions about the Census and assessed reactions to the inclusion of a citizenship question. The survey did not include a question about the citizenship of respondents. But it did include a question about whether respondents were born in the United States or a foreign country.
29. In my analysis, I focus on an experiment embedded in the survey that mimics the RCT approach suggested by Brown et al. (2018). This enables us to estimate the causal effect of the citizenship question on the likelihood that various demographic subgroups will complete the Census.
30. In the experiment on our survey, the control group received a vignette stating that the government had decided not to include a citizenship question on the census, while the treatment group received a vignette stating that the government had decided to include a citizenship question on the census. Then the survey asked whether respondents would ‘participate and fill out the 2020 Census form, or not?’

⁶ As part of my work as an expert in this matter, I reviewed Professor Barreto’s expert report that describes the survey methodology and his analysis of the results. However, I ran all of the analyses of the survey used in this report myself. I did not directly use any of Professor Barreto’s findings for my report.

⁷ Data and statistical code to replicate my analysis of this survey is available in my replication materials.

⁸ The survey includes sampling weights that incorporate these over-samples and make the results representative at the national-level.

Control Group: Now that you've heard a little bit about the 2020 Census let me ask you one final question about how likely you are to participate. If the government decides in 2020 to NOT include a question about citizenship status, and instead only asks you to report the race, ethnic background, gender of people living in your household, and the government provides assurances that your information will be kept confidential and ONLY used for purposes of counting the total population and nothing more, would you participate and fill out the 2020 Census form, or not?

Treatment Group: Now that you've heard a little bit about the 2020 Census let me ask you one final question about how likely you are to participate. If the government decides in 2020 to include a question about citizenship status, and asks you to report the race, ethnic background, gender and citizenship status of people living in your household, and the government provides assurances that your information will be kept confidential and ONLY used for purposes of counting the total population and nothing more, would you participate and fill out the 2020 Census form, or not?

31. This experimental design is a strong one for assessing the causal effect of the citizenship question on the likelihood that people will complete the Census. However, it does have limitations. First, the experiment on the survey imperfectly captures the actual experience of completing the Census. Second, many respondents are probably already aware of the potential inclusion of the citizenship question on the Census, which could lead to Stable Unit Treatment Value Assumption (SUTVA) violations. These SUTVA violations could attenuate the effects we detect in the experiment by artificially reducing the differences between the treatment and control groups. Overall, I think these limitations mean the survey-based

analysis is conservative in its estimates of the citizenship question on self-response rates on the Census.

2. Results of Survey

32. My primary analyses focus on two immigrant communities that theory indicates are particularly likely to be impacted by the citizenship question. First, I analyze the impact on Latinos.⁹ This analysis is helpful because there is little publicly available Census analysis of the potential effects of the citizenship question on this group. Second, I analyze the impact on non-Latino people that are not born in the United States.¹⁰
33. I ran three sets of analyses that are shown in Table 4. My primary analysis of the effect of the citizenship question on each group is a weighted regression that evaluates the treatment effect of the citizenship question. In other words, it evaluates whether people in the treatment group, that were told the Census would include a citizenship question, are less likely to indicate they would respond to the Census than people in the control group that were told it would not include a citizenship question.
34. As robustness checks, I also ran two additional models. The middle column of Table 4 for each group is a weighted regression model that includes control variables for other factors that might affect respondents' willingness to complete the Census, including their age, race, and state of residence. The third column of Table 4 for each group is an unweighted regression model that includes this same set of control variables for other factors that might affect respondents' willingness to complete the Census. All of my main analyses in the results below are based on linear probability models. However, logistic regression models yield similar results.

⁹ Note that I use the terms Hispanic and Latino interchangeably throughout this declaration.

¹⁰ I include in this group both people that explicitly stated they were born in a foreign country and the small number of people that refused to answer the nativity question on the survey.

35. Overall, Table 4 shows that the citizenship question makes both Latinos and Foreign-born non-Latinos less likely to respond to the Census. The weighted regression model in column (1) indicates that Latinos are about 5.9% less likely to complete the Census if it includes a citizenship question. The results are similar in the other two models shown in columns (2) and (3). For foreign-born, non-Latinos, the weighted regression in column (4) indicates that they are about 11.3% less likely to complete the Census if it includes a citizenship question. The results are substantively similar, though more statistically significant, in the other two models shown in columns (5) and (6).

Table 4: Experiment Results on Effects of Citizenship Question on Census Response among Latinos and Foreign-born

	Latinos			Foreign-born (not Latino)		
	(1)	(2)	(3)	(4)	(5)	(6)
Citizenship Question	-0.059** (0.029)	-0.070** (0.028)	-0.062*** (0.016)	-0.113 (0.072)	-0.164** (0.066)	-0.096** (0.039)
Survey Weights	X	X		X	X	
Controls		X	X		X	X
Observations	2,362	2,362	2,362	488	488	488
R ²			0.043			0.117
Adjusted R ²			0.021			0.022
Log Likelihood	-2,851.497	-2,763.581		-782.779	-714.807	

Note:

*p<0.1; **p<0.05; ***p<0.01

IV. Baseline Estimates of Proportion of Population in Immigrant Communities Vulnerable to Undercount

36. In order to analyze the effects of an undercount of individuals that live in households with at least one non-citizen and Hispanic on total population enumerations, I used the American Community Survey (ACS) to generate baseline estimates of the proportion of the 2020 population in each state, county, and large city in the following groups that are vulnerable to an undercount:

- Non-citizen households (based on whether any member of a household in the ACS self-reports that they are a noncitizen)¹¹
- All Hispanics and citizen Hispanics
- Foreign-born, non-Hispanics

37. To forecast the population margins of each group within each state (e.g., percent Hispanic), I used the individual-level data in the American Community Survey (ACS) from 2007-2016 to forecast the 2020 population distributions using the same approach that I used to forecast state populations. Individual-level data in the ACS is not readily available below the state-level (e.g., for counties and cities). As a result, I used population tables published by the Census based on the five-year ACS samples (2012-2016) to estimate the demographic distributions within counties and cities.¹² I did not attempt to estimate how these substate population distributions are likely to change between 2016 and 2020. Thus, my estimates of the percentage of county and city population that are members of immigrant communities are probably low due to the general growth of these populations.

A. State-level Effects of Undercount - Effect of Undercount on State Population Enumerations

38. I analyzed the effects of each undercount scenario on the enumerated population of each state in 2020. The results are shown in Table 5. Column (1) shows the baseline apportionment population projections for each state. Column (2) shows the average change in the enumerated population if 5.8% of people in non-citizen households are not counted due to

¹¹ It is important to note that the Census has found that the ACS might be drastically undercounting the number of households with noncitizens. The ACS implies that about 10% of people live in households with a noncitizen in them. However, Census Bureau found that many people may be misreporting their citizenship status on the ACS. Based on administrative records, they estimate that 28.6 percent of all households could potentially contain at least one noncitizen. So my estimate of the percentage of people that reside in households with a noncitizen based on the ACS is likely conservative.

¹² For the selection of cities and counties in Tables 2, 7, and 8, I converted the number of *non-citizens* to the number of *people in households with a non-citizen* using the ratio of these groups in the individual-level 5-year ACS sample (2012-16) for people in the PUMAs that overlapped each city and county. This analysis is necessarily approximate since PUMAs in the ACS micro-data contain multiple cities and counties.

the citizenship question. Column (3) shows the average change in the enumerated population if 5.8% of non-citizen households and Hispanics are not counted due to the citizenship question. Column (4) shows the average change in the enumerated population if 10% of people in non-citizen households are not counted due to the citizenship question. Column (5) shows the average change in the enumerated population if 10% of non-citizen households and Hispanics are not counted due to the citizenship question. Column (6) shows the average change in the enumerated population in each state based on the results of the survey experiment. Specifically, this scenario assumes that 5.9% of Hispanics and 11.3% of foreign-born, non-Latinos are not counted in the enumerated population.

39. For the analysis of apportionment, I also incorporated estimates of the overseas military population and federal employees, and their dependents living with them. Specifically, I used the 2010 population figures for the overseas military population and federal employees, and their dependents living with them, for each state, and divided this number by half to approximately reflect the reduction in the nation's military deployments over the past decade. *See* <https://www.census.gov/data/tables/2010/dec/2010-apportionment-data.html>, for 2010 population figures. *See also* Pew Foundation study, <http://www.pewresearch.org/fact-tank/2017/08/22/u-s-active-duty-military-presence-overseas-is-at-its-smallest-in-decades/>, for more information on the reduction in the number of overseas military personnel over the past decade.

Table 5: Effect of Undercount on State Population Enumerations in 2020

State	Baseline Apportionment Pop. Projection	5.8% Undercount		10% Undercount		Survey Experiment Foreign-born + Hispanics
		Noncitizens (2)	Noncitizens+ Hispanic (3)	Noncitizens (4)	Noncitizens + Hispanic (5)	
Alabama	4,928,974	-0.3%	-0.4%	-0.5%	-0.7%	-0.6%
Alaska	745,119	-0.5%	-0.8%	-0.8%	-1.4%	-1.4%
Arizona	7,349,498	-0.9%	-2.1%	-1.5%	-3.6%	-2.6%
Arkansas	3,056,993	-0.4%	-0.6%	-0.7%	-1%	-0.8%
California	40,549,557	-1.7%	-2.9%	-2.9%	-5%	-4.1%
Colorado	5,831,253	-0.7%	-1.5%	-1.2%	-2.7%	-2%
Connecticut	3,593,415	-0.8%	-1.5%	-1.3%	-2.6%	-2.4%
Delaware	991,133	-0.6%	-1%	-1%	-1.7%	-1.5%
Florida	22,017,594	-1%	-2%	-1.7%	-3.4%	-2.7%
Georgia	10,796,611	-0.7%	-0.9%	-1.2%	-1.6%	-1.5%
Hawaii	1,432,921	-1%	-1.6%	-1.7%	-2.8%	-3%
Idaho	1,830,654	-0.4%	-0.9%	-0.8%	-1.6%	-1.2%
Illinois	12,718,521	-0.8%	-1.4%	-1.4%	-2.4%	-2.1%
Indiana	6,770,793	-0.4%	-0.6%	-0.7%	-1.1%	-0.9%
Iowa	3,186,710	-0.4%	-0.6%	-0.7%	-1%	-0.9%
Kansas	2,931,128	-0.6%	-1%	-1%	-1.7%	-1.3%
Kentucky	4,514,011	-0.3%	-0.4%	-0.5%	-0.7%	-0.6%
Louisiana	4,694,542	-0.3%	-0.5%	-0.5%	-0.8%	-0.6%
Maine	1,351,512	-0.2%	-0.3%	-0.3%	-0.5%	-0.6%
Maryland	6,195,838	-0.9%	-1.2%	-1.6%	-2%	-2.1%
Massachusetts	6,972,768	-0.9%	-1.4%	-1.5%	-2.4%	-2.4%
Michigan	9,976,301	-0.4%	-0.6%	-0.6%	-1%	-1.1%
Minnesota	5,696,268	-0.5%	-0.6%	-0.8%	-1.1%	-1.2%
Mississippi	2,990,101	-0.2%	-0.3%	-0.3%	-0.5%	-0.4%
Missouri	6,191,875	-0.2%	-0.4%	-0.4%	-0.7%	-0.7%
Montana	1,081,584	-0.1%	-0.3%	-0.2%	-0.6%	-0.5%
Nebraska	1,960,312	-0.5%	-0.9%	-0.9%	-1.5%	-1.2%
Nevada	3,178,894	-1.3%	-2.1%	-2.2%	-3.6%	-3%
New Hampshire	1,368,556	-0.3%	-0.5%	-0.5%	-0.8%	-0.9%
New Jersey	9,114,740	-1.2%	-1.9%	-2%	-3.3%	-3%
New Mexico	2,100,036	-0.8%	-3.1%	-1.3%	-5.3%	-3.3%
New York	19,907,138	-1.2%	-1.9%	-2.1%	-3.2%	-3.1%
North Carolina	10,638,762	-0.6%	-0.8%	-1%	-1.4%	-1.2%
North Dakota	754,368	-0.2%	-0.4%	-0.4%	-0.7%	-0.7%
Ohio	11,729,092	-0.2%	-0.4%	-0.4%	-0.7%	-0.7%
Oklahoma	3,981,432	-0.5%	-0.8%	-0.8%	-1.4%	-1.1%
Oregon	4,278,356	-0.7%	-1.1%	-1.1%	-1.9%	-1.6%
Pennsylvania	12,854,327	-0.4%	-0.7%	-0.6%	-1.3%	-1.2%
Rhode Island	1,060,979	-0.7%	-1.3%	-1.2%	-2.3%	-2%
South Carolina	5,224,199	-0.3%	-0.5%	-0.6%	-0.9%	-0.8%
South Dakota	894,019	-0.3%	-0.4%	-0.5%	-0.8%	-0.7%
Tennessee	6,930,386	-0.4%	-0.5%	-0.6%	-0.9%	-0.8%
Texas	29,654,648	-1.3%	-2.7%	-2.2%	-4.6%	-3.2%
Utah	3,277,814	-0.6%	-1.1%	-1.1%	-1.9%	-1.4%
Vermont	624,804	-0.2%	-0.3%	-0.3%	-0.5%	-0.7%
Virginia	8,651,354	-0.7%	-1%	-1.2%	-1.7%	-1.8%
Washington	7,799,983	-0.9%	-1.3%	-1.5%	-2.2%	-2.2%
West Virginia	1,781,304	-0.1%	-0.2%	-0.2%	-0.3%	-0.3%
Wisconsin	5,864,100	-0.3%	-0.6%	-0.6%	-1.1%	-0.9%
Wyoming	567,929	-0.3%	-0.8%	-0.5%	-1.3%	-1%

40. Overall, Table 5 indicates that each state would be affected by an undercount on the Census.

The largest impacts would be in states with large numbers of Hispanics, non-Citizens, and foreign-born residents. For example, California would be undercounted by 1.7-5.0% in these scenarios; Florida would be undercounted by 1-3.4%; New Jersey would be undercounted by

1.2-3.3%, New York would be undercounted by 1.2-3.2%; and Texas would be undercounted by 1.3-4.6%.

41. Figure 1 shows a map of the results from the survey experiment (column 6 in Table 5). This map graphically shows that heavily Latino states on the southern border have the largest impacts from an undercount. States in the northeast, such as New York, New Jersey, and Massachusetts, with significant foreign-born populations also have significant impacts.

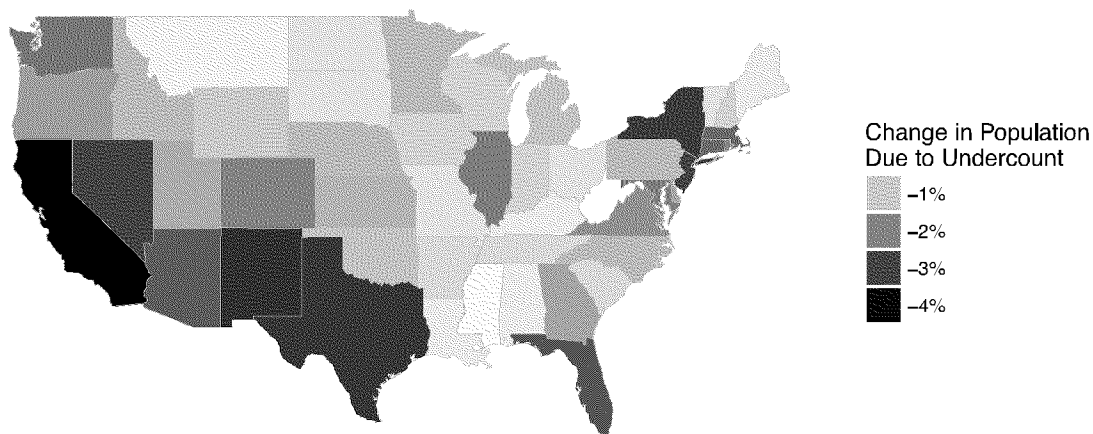


Figure 1: Effects on State Populations

42. I used the population projections and estimated effects of the various undercount scenarios on the enumerated population of each state to examine the likely effect of the citizenship question on the apportionment of seats in the House of Representatives. Article 1, Section 2, of the United States Constitution states: “Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers.”

43. Since the first census in 1790, five methods of apportionment have been used. The government currently uses a method called the Method of Equal Proportions, which was

adopted by Congress in 1941 following the census of 1940. This method first assigns each state one seat. Then, additional seats in the House of Representatives are signed to a “priority” value. The priority value for each seat is determined by multiplying the population of a state by a “multiplier.” The multiplier is $1/\sqrt{n(n-1)}$. So the formula for calculating the multiplier for the second seat is $1/\sqrt{2(2-1)}$ or 0.70710678, the formula for calculating the multiplier for the third seat is $1/\sqrt{3(3-1)}$ or 0.40824829, and so on. The Census provides an official table of these multipliers, which I used for my calculations.¹³

44. The next step is to multiply the multipliers by the population total for each of the 50 states (the District of Columbia is not included in these calculations). The resulting numbers are the priority values. Multipliers and priority values must be calculated for the largest number of seats that could be assigned to a state. In my analysis, I calculated the priority values for each state for seats 2 through 60. The next step is to rank and number the resulting priority values starting with seat 51 until all 435 seats have been assigned. The final step is to tally the number of seats for each state to arrive at the total number of seats in the House of Representatives apportioned to each state.
45. I conducted these steps for 500 simulations of the population projections and undercount scenarios in each state. Table 6 shows the results. Column (1) shows the baseline projections for the number of seats that each state is likely to receive in 2020 if there is a full population enumeration. Column (2) shows the average change in the number of congressional seats if 5.8% of people in non-citizen households are not counted due to the citizenship question. Column (3) shows the average change in seats if 5.8% of non-citizen households and Hispanics are not counted due to the citizenship question. Column (4) shows the average

¹³ See <https://www.census.gov/population/apportionment/about/computing.html>

change in seats if 10% of people in non-citizen households are not counted due to the citizenship question. Column (5) shows the average change if 10% of non-citizen households and Hispanics are not counted due to the citizenship question. Column (6) shows the average change in seats in each state based on the results of the survey experiment. Specifically, this scenario assumes that 5.9% of Hispanics and 11.3% of foreign-born, non-Latinos are not counted in the enumerated populations. Also, each column includes 95% confidence intervals for the seat projections in parentheses. This means that there is a 95% chance that the true number of seats gained or lost in each scenario will be in this range.

46. First, we can examine Columns (2) and (3) of Table 6, which show the effects of a 5.8% undercount of people in non-citizens households and Hispanics. In these scenarios, California is extremely likely to lose a seat. Additionally, if there is an undercount of 5.8% of both people in non-citizen households and Hispanics, there is more than a 51% chance that Texas will lose a seat. There is also a risk that Arizona, Florida, Illinois, and New York could lose seats in some simulations.

47. Columns (4) and (5) of Table 6 show the effects of a 10% undercount of non-citizen households and Hispanics. If only people in non-citizen households are undercounted, California and Texas would be more likely than not to lose a seat. Arizona, Florida, Illinois, and New York would also be at risk of losing seats. If both non-citizens and Hispanics are undercounted, Arizona, California, Florida, and Texas would be likely to lose seats. Illinois and New York would also be at risk of losing a seat.

Table 6: Effect of Undercount on Congressional Apportionment

State	Baseline Seats	5.8% Undercount		10% Undercount		Survey Experiment
		Noncitizens	Noncitizens+ Hispanic	Noncitizens	Noncitizens + Hispanic	Foreign-born + Hispanics
Alabama	6	0 (0,1)	1 (0,1)	1 (0,1)	1 (0,1)	1 (0,1)
Alaska	1	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)
Arizona	10	0 (-1,0)	0 (-1,0)	0 (-1,0)	-1 (-1,0)	0 (-1,0)
Arkansas	4	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)
California	53	-1 (-1,0)	-1 (-1,0)	-1 (-1,0)	-1 (-2,-1)	-1 (-2,0)
Colorado	8	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)
Connecticut	5	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)
Delaware	1	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)
Florida	29	0 (-1,0)	0 (-1,0)	0 (-1,0)	-1 (-1,0)	-1 (-1,0)
Georgia	14	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)
Hawaii	2	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)
Idaho	2	0 (0,0)	0 (0,0)	0 (0,1)	0 (0,1)	0 (0,1)
Illinois	17	0 (-1,0)	0 (0,1)	0 (-1,1)	0 (-1,0)	0 (-1,0)
Indiana	9	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)
Iowa	4	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)
Kansas	4	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)
Kentucky	6	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)
Louisiana	6	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,1)	0 (0,0)
Maine	2	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)
Maryland	8	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)
Massachusetts	9	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)
Michigan	13	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)
Minnesota	7	0 (0,1)	0 (0,1)	0 (0,1)	1 (0,1)	1 (0,1)
Mississippi	4	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)
Missouri	8	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)
Montana	1	1 (0,1)	1 (0,1)	1 (0,1)	1 (0,1)	1 (0,1)
Nebraska	3	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)
Nevada	4	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)
New Hampshire	2	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)
New Jersey	12	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)
New Mexico	3	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)
New York	26	0 (-1,0)	0 (0,0)	0 (-1,0)	0 (-1,0)	0 (-1,0)
North Carolina	14	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)
North Dakota	1	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)
Ohio	15	0 (0,0)	0 (0,1)	0 (0,1)	1 (0,1)	0 (0,1)
Oklahoma	5	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)
Oregon	6	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)
Pennsylvania	17	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)
Rhode Island	1	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)
South Carolina	7	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)
South Dakota	1	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)
Tennessee	9	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)
Texas	39	0 (-1,0)	-1 (-1,0)	-1 (-1,0)	-1 (-1,0)	-1 (-1,0)
Utah	4	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)
Vermont	1	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)
Virginia	11	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)
Washington	10	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)
West Virginia	2	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)
Wisconsin	8	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)
Wyoming	1	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)	0 (0,0)

48. Column (6) shows the effects of the undercount of Hispanics and foreign-born residents found in the survey experiment. In this scenario, California, Florida, and Texas would most likely all lose seats. Arizona, Illinois, and New York could lose a seat as well.

49. The states that lose seats in Congress would likely see decreases in their share of outlays of federal funding due to their reduction in voting power in Congress. *See* Elis, Malhotra, and Meredith 2009 (PX-325). The Elis article attached here is just an example. It is a well-established finding in political science and political economy that the loss of political power as a result of the loss of representation leads to the loss of funding. This finding is based on a body of research showing that counties in areas of states that were underrepresented in state legislatures or Congress due to malapportionment received substantially lower shares of distributive spending. In the wake of the *Baker v. Carr* family of Supreme Court cases that required one-person, one-vote, counties that were underrepresented due to malapportionment saw both their representation in legislatures and their share of spending increase substantially when the equal populace district requirement was implemented. *See* Ansolabehere, Gerber, and Snyder 2002 (PX-326). Additionally, it is also based on another body of research comparing states that barely gain or lose Representatives in Congress. *See* PX-325. The census thresholds sometimes are quite close where a state could gain or lose seats. So this research compares those states that are just above and below the population thresholds to gain or lose a seat, and it has found that the states that just barely gain a seat receive more money than the states that barely lose a seat.

B. City and County Effects of Undercount

50. I also examined the effects of the various undercount scenarios for cities and counties.

Irrespective of state-level impacts on apportionment, the enumeration of subnational areas is crucially important for a number of purposes. It affects the distribution of federal and state funds that are tied to population formulas. In addition, it affects the allocation of legislative seats within states since legislative districts are required to be equipopulous.

51. This allocation of voting power within states, in turn, affects distributive spending programs influenced by the legislature. *See* PX-326. Areas with greater population enumerations, and thus more voting power, are likely to receive more funding. This article is just another example of this well-established finding in political science. There is a large body of political science research concluding that vote dilution due to malapportionment leads to a reduction in voting power and less distributive spending.
52. It is reasonable to assume that undercounts like those addressed in my report will more likely than not impact intrastate redistricting because there is no reason to think that a state legislature would correct an undercount on the Census. I think it's a reasonable assumption that state governments would not consciously try to remedy an undercount.
53. Table 7 shows the impact on the counties and cities that are involved in the lawsuits regarding the citizenship question. The left column shows the baseline 2020 population projection. It also shows the absolute change in population and percentage change in the geographic unit's population due to three undercount scenarios. First, I examine a 2% undercount scenario. Second, I examine a 5.8% undercount scenario. For each of these scenarios, I examine undercounts among people in non-citizen households and among non-citizens households + Hispanics. Finally, I examine a scenario based on the results of the survey experiment.
54. Table 7 shows the effects on a selection of cities and counties involved in the lawsuits regarding the citizenship question. All of these local governments would most likely face smaller population enumerations due to an undercount from the addition of a citizenship question. Some of the largest effects would be in Miami, FL, New York, NY, Central Falls,

RI, and Providence RI. In the survey experiment scenario (right-hand column), each of these cities could see a reduction of around 4% or more in their enumerated populations.

Table 7: Effect on Population Counts in Select Counties and Cities

County	2020 Population	2% Undercount				5.8% Undercount				Survey Experiment			
		Noncitizens		Noncitizens+Hispanics		Noncitizens		Noncitizens+Hispanics		Foreign-born+		Hispanics	
		Abs. Change	% Change	Abs. Change	% Change	Abs. Change	% Change	Abs. Change	% Change	Abs. Change	% Change	Abs. Change	% Change
Phoenix, AZ	1,698,187	9,532	-0.6%	15,939	-0.9%	27,644	-1.6%	46,223	-2.7%	53,388	-3.1%	53,388	-3.1%
Los Angeles County, CA	10,256,275	74,027	-0.7%	118,962	-1.2%	214,679	-2.1%	344,988	-3.4%	469,163	-4.6%	469,163	-4.6%
Monterey County, CA	444,016	3,841	-0.9%	5,525	-1.2%	11,139	-2.5%	16,022	-3.6%	18,215	-4.1%	18,215	-4.1%
San Francisco, CA	909,143	4,640	-0.5%	6,141	-0.7%	13,457	-1.5%	17,808	-2%	37,509	-4.1%	37,509	-4.1%
San Jose, CA	1,045,953	6,843	-0.7%	10,743	-1%	19,845	-1.9%	31,153	-3%	52,766	-5%	52,766	-5%
Washington, DC	722,881	1,997	-0.3%	2,690	-0.4%	5,792	-0.8%	7,800	-1.1%	11,859	-1.6%	11,859	-1.6%
Miami, FL	491,295	4,868	-1%	7,734	-1.6%	14,118	-2.9%	22,428	-4.6%	24,713	-5%	24,713	-5%
Chicago, IL	2,704,974	12,334	-0.5%	20,052	-0.7%	35,769	-1.3%	58,152	-2.1%	76,859	-2.8%	76,859	-2.8%
Prince Georges County, MD	931,412	4,388	-0.5%	5,054	-0.5%	12,724	-1.4%	14,658	-1.6%	21,592	-2.3%	21,592	-2.3%
New York, NY	8,645,147	55,293	-0.6%	83,728	-1%	160,350	-1.9%	242,811	-2.8%	396,647	-4.6%	396,647	-4.6%
Columbus, OH	925,408	2,375	-0.3%	2,768	-0.3%	6,886	-0.7%	8,027	-0.9%	12,889	-1.4%	12,889	-1.4%
Philadelphia, PA	1,598,072	3,944	-0.2%	7,305	-0.5%	11,438	-0.7%	21,185	-1.3%	32,116	-2%	32,116	-2%
Pittsburgh, PA	297,243	480	-0.2%	614	-0.2%	1,392	-0.5%	1,780	-0.6%	3,124	-1.1%	3,124	-1.1%
Central Falls, RI	19,250	190	-1%	313	-1.6%	550	-2.9%	908	-1.7%	920	-4.8%	920	-4.8%
Providence, RI	181,532	1,249	-0.7%	1,934	-1.1%	3,622	-2%	5,608	-3.1%	6,833	-3.8%	6,833	-3.8%
Cameron County, TX	429,603	3,535	-0.8%	7,759	-1.8%	10,253	-2.4%	22,501	-5.2%	23,272	-5.4%	23,272	-5.4%
El Paso County, TX	851,600	5,844	-0.7%	14,227	-1.7%	16,947	-2%	41,259	-1.8%	43,069	-5.1%	43,069	-5.1%
Hidalgo County, TX	892,083	8,455	-0.9%	16,540	-1.9%	24,520	-2.7%	47,965	-5.4%	49,626	-5.6%	49,626	-5.6%
Seattle, WA	780,550	2,483	-0.3%	2,987	-0.4%	7,200	-0.9%	8,661	-1.1%	17,083	-2.2%	17,083	-2.2%

55. The three Texas counties would also face particularly negative impacts. Each of these heavily Latino counties could have a reduction in their enumerated populations of over 5%.

56. Figure 2 shows the reduction in the enumerated population for every county in the country based on the survey experiment (last column of Table 7). It shows that the largest effects are in counties on the southern border, the California coast, and in the region around New York City. The counties and cities that are plaintiffs in this suit are labeled on the graph. All of these geographic units are in the most heavily impacted areas of the country.

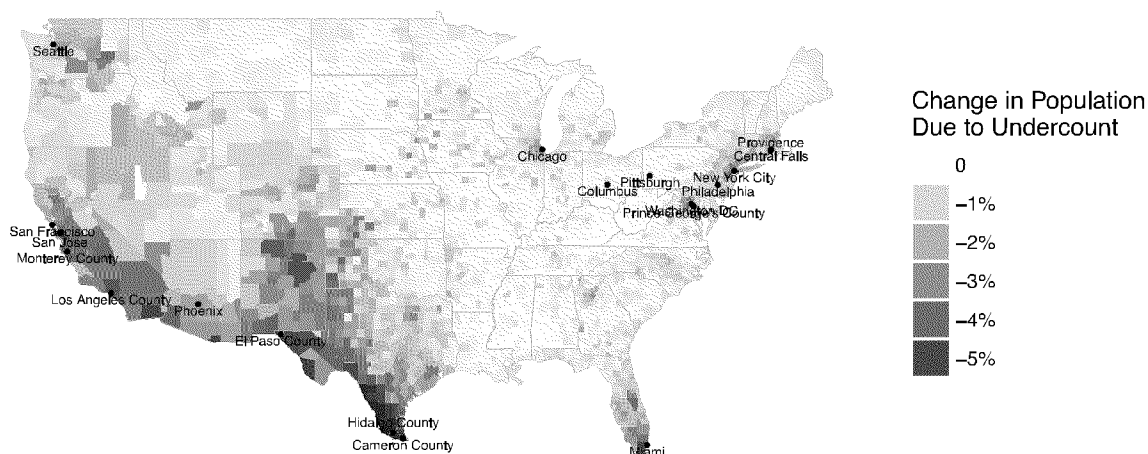


Figure 2: Effects on County Populations

57. Table 8 shows the change in each area's share of its state population due to the undercount.

This statistic is important for estimating the potential effects of the undercount on state-level formula grants, as well as on the relative voting power of each geographic area in congressional and state legislative elections. Geographic areas that see a reduction in their share of the state population are likely to get less representation in Congress and their state legislature. This reduction in voting power is likely to lead to less distributive spending. *See* PX-326. As stated before, this article is just an example. There is a large body of political science research that finds localities have their vote diluted because they are malapportioned. This implies that if the enumerated populations used for redistricting are smaller than their actual populations, then this reduction in voting power is very likely to lead to less distributive spending.

Table 8: Effect on Relative Representation in Select Counties and Cities

	2% Undercount		5.8% Undercount		Survey Experiment
	Noncitizens	Noncitizens+ Hispanics	Noncitizens	Noncitizens+ Hispanics	Foreign-born+ Hispanics
Phoenix, AZ	-0.4%	-0.4%	-0.9%	-0.8%	-0.7%
Los Angeles County, CA	-0.3%	-0.3%	-0.5%	-0.6%	-0.6%
Monterey County, CA	-0.4%	-0.4%	-1%	-0.9%	-0.1%
San Francisco, CA	0%	0.2%	0.1%	0.8%	-0.2%
San Jose, CA	-0.2%	-0.1%	-0.3%	-0.2%	-1.1%
Miami, FL	-0.9%	-1.1%	-2.1%	-2.9%	-2.6%
Chicago, IL	-0.3%	-0.4%	-0.6%	-0.9%	-0.9%
Prince Georges County, MD	-0.3%	-0.3%	-0.6%	-0.5%	-0.4%
New York, NY	-0.3%	-0.4%	-0.8%	-1.1%	-1.6%
Columbus, OH	-0.3%	-0.3%	-0.6%	-0.6%	-0.8%
Philadelphia, PA	-0.2%	-0.3%	-0.5%	-0.7%	-1%
Pittsburgh, PA	-0.2%	-0.1%	-0.2%	0%	0%
Central Falls, RI	-0.9%	-1.3%	-2.3%	-3.5%	-2.9%
Providence, RI	-0.6%	-0.7%	-1.4%	-1.9%	-1.9%
Cameron County, TX	-0.6%	-1.1%	-1.3%	-2.8%	-2.5%
El Paso County, TX	-0.5%	-1%	-0.9%	-2.4%	-2.1%
Hidalgo County, TX	-0.7%	-1.2%	-1.7%	-3%	-2.7%
Seattle, WA	-0.2%	-0.1%	-0.2%	0%	-0.2%

58. Table 8 shows the relative change in each area's population using three undercount scenarios.

First, I examine a 2% undercount scenario. Second, I examine a 5.8% undercount assumption. For each of these scenarios, I examine undercounts among people in non-citizen households and among non-citizens households + Hispanics. Finally, I examine a scenario based on the results of the survey I discussed in depth above.

59. Under nearly every scenario, each of the cities and counties would face declines in their share of their respective state populations due to an undercount from the citizenship question. Once again, some of the largest effects would be in Miami, FL, New York, NY, Central Falls, RI, Providence RI, and the three Texas counties. Each of these areas would have a reduction in their 'relative populations' (i.e., share of the state population) of several percentage points based on the survey experiment.

V. Aggregate Effects on Share of Population in Different Types of Counties

60. I examined the macro effects of an undercount due to the addition of a citizenship question on the distribution of the enumerated population across urban and rural areas. For simplicity, I use the survey estimates on foreign-born people and Hispanics. But the results are broadly similar for other undercount scenarios.¹⁴ The best available definition of urban and rural areas is based on a classification system developed by the National Center for Health Statistics (NCHS).¹⁵ This classification system is often used to study the associations between the urbanization level of residence and health and to monitor the health of urban and rural residents. NCHS has developed a six-level urban-rural classification scheme for U.S. counties and county-equivalent entities. The most urban category consists of “central” counties of large metropolitan areas and the most rural category consists of nonmetropolitan “noncore” counties. Figure 3 shows a map of the NCHS classification scheme.

¹⁴ For confidentiality reasons, it is not possible to match the ACS micro-data to smaller cities and counties. So, for this analysis, I calculated the ratio of people in non-citizen households to individual non-citizens for each state in the 2016 ACS. I then multiplied these ratios by the estimates of the number of non-citizens in each city and county to estimate the number of people in households with a non-citizen.

¹⁵ See https://www.cdc.gov/nchs/data_access/urban_rural.htm

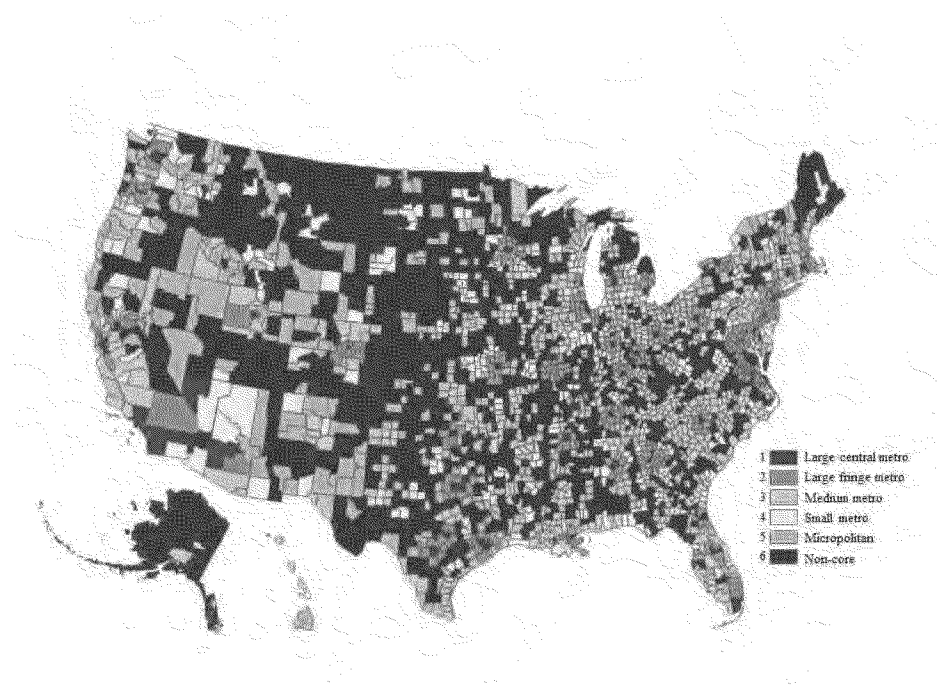


Figure 3: 2013 Urban-Rural Classification Scheme for Counties

61. Figure 3 shows that an undercount due to a citizenship question would have the most substantial impact in large metropolitan counties with major cities. Based on the survey experiment, these counties would have a reduction in their enumerated population of 2.9%.¹⁶ This group of counties would also have a reduction in their share of the national population of 1.1%. This reduction in urban areas' relative population would likely lead to dilution in their voting power and a reduction in their representation in Congress and state legislatures. At the other end of the continuum, noncore rural counties would only have a reduction in their enumerated population of .5%. Moreover, they would actually see a sizable 1.4% increase in their share of the national population. This would lead to an increase in their representation in the legislature. Thus, the undercount caused by a citizenship question on the

¹⁶ The patterns are broadly similar in the other scenarios.

Census would lead to a redistribution of political power in America. It would reduce the representation of urban counties, and increase the voting power of rural counties.

Table 9: Effect on Distribution of Enumerated Population Across Urban and Rural Counties

County	2020 Population Projection	Percentage Change Due to Undercount	Percentage Change in Relative Population
Large central metro	103,025,259	-2.9%	-1.1%
Large fringe metro	83,761,694	-1.8%	.1%
Median metro	69,737,033	-1.5%	.3%
Small metro	30,116,705	-1%	.9%
Micropolitan	27,375,961.605	-8%	1.1%
Noncore	18,760,860	-5%	1.4%

VI. Conclusion

62. I have reached the following conclusions:

- a. The undercount caused by the inclusion of a citizenship question on the Census is likely to have effects on the population counts of each state, and the apportionment of representatives across states for the U.S House. There is a very high probability that California will lose a congressional seat, and it is more likely than not that Texas will lose a congressional seat. There is also a substantial risk that Arizona, Florida, Illinois, and New York could lose a seat.
- b. The citizenship question is also likely to have effects on the population counts of large counties and cities within each state. This will affect the distribution of voting power within states, and lead to the dilution of the voting power of New York, NY, Miami, FL, Providence, RI, and other large cities with substantial immigrant populations.

- c. Overall, the citizenship question will lead to a large-scale shift in the distribution of political power in the United States. It would dilute the voting power of urban counties, and increase the voting power of rural counties.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: October 26, 2018

Washington, DC



Christopher Warshaw

Appendix

Table A1: Effect of 2% Undercount on State Population Enumerations in 2020

State	Baseline Apportionment Pop. Projection	Noncitizens	Noncitizens+ Hispanic
Alabama	4,928,974	-0.1%	-0.1%
Alaska	745,119	-0.2%	-0.3%
Arizona	7,349,498	-0.3%	-0.7%
Arkansas	3,056,993	-0.1%	-0.2%
California	40,549,557	-0.6%	-1%
Colorado	5,831,253	-0.2%	-0.5%
Connecticut	3,593,415	-0.3%	-0.5%
Delaware	991,133	-0.2%	-0.3%
Florida	22,017,594	-0.3%	-0.7%
Georgia	10,796,611	-0.2%	-0.3%
Hawaii	1,432,921	-0.3%	-0.6%
Idaho	1,830,654	-0.2%	-0.3%
Illinois	12,718,521	-0.3%	-0.5%
Indiana	6,770,793	-0.1%	-0.2%
Iowa	3,186,710	-0.1%	-0.2%
Kansas	2,931,128	-0.2%	-0.3%
Kentucky	4,514,011	-0.1%	-0.1%
Louisiana	4,694,542	-0.1%	-0.2%
Maine	1,351,512	-0.1%	-0.1%
Maryland	6,195,838	-0.3%	-0.4%
Massachusetts	6,972,768	-0.3%	-0.5%
Michigan	9,976,301	-0.1%	-0.2%
Minnesota	5,696,268	-0.2%	-0.2%
Mississippi	2,990,101	-0.1%	-0.1%
Missouri	6,191,875	-0.1%	-0.1%
Montana	1,081,584	0%	-0.1%
Nebraska	1,960,312	-0.2%	-0.3%
Nevada	3,178,894	-0.4%	-0.7%
New Hampshire	1,368,556	-0.1%	-0.2%
New Jersey	9,114,740	-0.4%	-0.7%
New Mexico	2,100,036	-0.3%	-1.1%
New York	19,907,138	-0.4%	-0.6%
North Carolina	10,638,762	-0.2%	-0.3%
North Dakota	754,368	-0.1%	-0.1%
Ohio	11,729,092	-0.1%	-0.1%
Oklahoma	3,981,432	-0.2%	-0.3%
Oregon	4,278,356	-0.2%	-0.4%
Pennsylvania	12,854,327	-0.1%	-0.3%
Rhode Island	1,060,979	-0.2%	-0.5%
South Carolina	5,224,199	-0.1%	-0.2%
South Dakota	894,019	-0.1%	-0.2%
Tennessee	6,930,386	-0.1%	-0.2%
Texas	29,654,648	-0.4%	-0.9%
Utah	3,277,814	-0.2%	-0.4%
Vermont	624,804	-0.1%	-0.1%
Virginia	8,651,354	-0.2%	-0.3%
Washington	7,799,983	-0.3%	-0.4%
West Virginia	1,781,304	0%	-0.1%
Wisconsin	5,864,100	-0.1%	-0.2%
Wyoming	567,929	-0.1%	-0.3%

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Academic Employment

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Massachusetts Institute of Technology, Cambridge, MA

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Assistant Professor of Political Science, 2012 - 2016

Education

Stanford University, Ph.D., Political Science, 2012

Fields: American Politics, Comparative Politics, and Political Methodology (Statistics)

Stanford Law School, Juris Doctorate, 2011

Williams College, B.A., *magna cum laude*, 2002

Research Interests

American Politics, Representation, Elections, Public Opinion, State & Local Politics, Environmental Politics and Policy, Statistical Methodology

Research

Publications

Peer Reviewed Articles

22. "The Impact of Partisan Gerrymandering on Political Parties." Forthcoming. *Legislative Studies Quarterly*. (with Nicholas Stephanopoulos)
21. "Using Screeners to Measure Respondent Attention on Self-Administered Surveys: Which Items and How Many?" Forthcoming. *Political Science Research and Methods*. (with Adam Berinsky, Michele Margolis, and Mike Sances)

20. "Accountability for the Local Economy at All Levels of Government in United States Elections." Forthcoming, 2020. *American Political Science Review* .114(3): 660-676. (with Justin de Benedictis-Kessner)
19. "Politics in Forgotten Governments: The Partisan Composition of County Legislatures and County Fiscal Policies." 2020. *Journal of Politics*. 82(2): 460-475. (with Justin de Benedictis-Kessner)
18. "On the Representativeness of Primary Electorates." 2020. *British Journal of Political Science*. 50(2): 677-685. (with John Sides, Chris Tausanovitch, and Lynn Vavreck)
17. "Geography, Uncertainty, and Polarization." 2019. *Political Science Research and Methods*. 7(4): 775-794. (with Nolan McCarty, Jonathan Rodden, Boris Shor, and Chris Tausanovitch)
16. "Policy Ideology in European Mass Publics, 1981–2016." 2019. *American Political Science Review*. 113(3): 674-693. (with Devin Caughey and Tom O'Grady).
15. "Does Global Warming Increase Public Concern About Climate Change?" 2019. *Journal of Politics*. 81(2): 686-691. (with Parrish Bergquist)
14. "Local Elections and Representation in the United States." 2019. *Annual Review of Political Science*. 22(1): 461-479.
13. "The Ideological Nationalization of Party Constituencies in the American States". 2018. *Public Choice*. Keith Poole Symposium. 176(1-2): 133-151. (with James Dunham and Devin Caughey)
12. "Policy Preferences and Policy Change: Dynamic Responsiveness in the American States, 1936-2014." 2018. *American Political Science Review*. 112(2): 249-266. (with Devin Caughey)
11. "Does the Ideological Proximity Between Candidates and Voters Affect Voting in U.S. House Elections?" 2018. *Political Behavior*. 40(1): 223-245. (with Chris Tausanovitch)
10. "Partisan Gerrymandering and the Political Process: Effects on Roll-Call Voting and State Policies." *Election Law Journal*. December, 2017. 16(4): 453-469. Symposium on Partisan Gerrymandering and the Efficiency Gap. (with Devin Caughey and Chris Tausanovitch)
9. "Incremental Democracy: The Policy Effects of Partisan Control of State Government." 2017. *Journal of Politics*. 79(4): 1342-1358. (with Devin Caughey and Yiqing Xu)
8. "Renewable energy policy design and framing influences public support in the United States." 2017. *Nature Energy*. 2(17107). (with Leah Stokes)
7. "Estimating Candidates' Political Orientation in a Polarized Congress." 2017. *Political Analysis*. 25(2): 167-187. (with Chris Tausanovitch)
6. "The Dynamics of State Policy Liberalism, 1936-2014." 2016. *American Journal of Political Science*. 60(4): 899-913. (with Devin Caughey)
5. "Mayoral Partisanship and Municipal Fiscal Policy." 2016. *Journal of Politics*. 78(4): 1124-1138. (with Justin de Benedictis-Kessner)
4. "Dynamic Estimation of Latent Opinion Using a Hierarchical Group-Level IRT Model." 2015. *Political Analysis*. 23(2): 197-211. (with Devin Caughey)
3. "Representation in Municipal Government." 2014. *American Political Science Review*. 108(3): 605-641. (with Chris Tausanovitch)
2. "Measuring Constituent Policy Preferences in Congress, State Legislatures and Cities." 2013. *Journal of Politics*. 75(2): 330-342. (with Chris Tausanovitch)

1. "How Should We Measure District-Level Public Opinion on Individual Issues?" 2012. *Journal of Politics*. 74(1): 203-219. (with Jonathan Rodden)

Editor Reviewed Articles in Journals and Law Reviews

3. "Public Opinion in Subnational Politics." 2019. *Journal of Politics*. 81(1): 352-363. Editor reviewed for Symposium on Subnational Policymaking. (with Devin Caughey)
2. "Spatial variation in messaging effects." 2018. *Nature Climate Change*. News & Views. April, 2018.
1. "Business as Usual? Analyzing the Doctrinal Development of Environmental Standing Doctrine since 1976." 2011. *Harvard Law and Policy Review*. Volume 5.2. (with Gregory Wannier).

Book Chapters

5. "Elections and Parties in Environmental Politics." 2020. *Handbook on U.S. Environmental Policy*. David Konisky, ed. (with Parrish Bergquist)
4. "Latent Constructs in Public Opinion." 2018. *Oxford Handbook on Polling and Polling Methods*. R. Michael Alvarez and Lonna Atkeson, ed. Oxford: Oxford University Press.
3. "The Application of Big Data in Surveys to the Study of Elections, Public Opinion, and Representation." 2016. *Data Analytics in Social Science, Government, and Industry*. R. Michael Alvarez, ed. Cambridge: Cambridge University Press.
2. "The Political Economy of Expropriation and Privatization in the Oil Sector." 2012. *Oil and Governance: State-Owned Enterprises and the World Energy Supply*. David G. Victor, David Hulst, and Mark Thurber, eds. Cambridge: Cambridge University Press.
1. "Democratization and Countermajoritarian Institutions: The Role of Power and Constitutional Design In Self-Enforcing Democracy." 2012. *Comparative Constitutional Design*. Cambridge: Cambridge University Press. (with Susan Alberts and Barry R. Weingast).

Policy Reports

1. Reforming Baltimore's Mayoral Elections. 2020. Abell Foundation Report.
<https://www.abell.org/publications/reforming-baltimores-mayoral-elections>

Unpublished Work

Book Project

"Dynamic Democracy: Citizens, Politicians, and Policymaking in the American States." Advance contract with University of Chicago Press. (with Devin Caughey)

Articles Under Review

"The Effect of Local COVID-19 Fatalities on Americans' Political Preferences." (with Lynn Vavreck and Ryan Baxter-King)

Works in Progress

"Electoral Accountability for Ideological Extremism in American Elections" (with Devin Caughey)

- "Gerrymandering in Local Governments" (with Laura Royden)
- "Moderates" (with Anthony Fowler, Seth Hill, Jeff Lewis, Chris Tausanovitch, Lynn Vavreck)
- "Partisan Selection in California City Councils" (with Justin de Benedictis-Kessner and Dan Jones)
- "The Effect of Television Advertising in United States Elections" (with John Sides and Lynn Vavreck)
- "When Mass Opinion Goes to the Ballot Box: A National Assessment of State Level Issue Opinion and Ballot Initiative Results" (with Jonathan Robinson and John Sides)
- "Inequalities in Participation, Voting, and Representation in Local Governments" (with Justin de Benedictis-Kessner and John Sides)
- "Sexism and the Election of Female Candidates in American Elections" (with Alex Kurtz and Brian Schaffner)
- "The Ideology of State Party Platforms " (with Justin Phillips and Gerald Gamm)

Non-Academic Writing

- "How Local Covid Deaths Are Affecting Vote Choice." *New York Times*. July 28, 2020. (with Lynn Vavreck)
- "A coronavirus recession would hurt all kinds of Republican candidates – not just Trump." *Washington Post*, Monkey Cage. March 18, 2020. (with Justin de Benedictis-Kessner).
- "The Supreme Court is deciding a gerrymandering case. Here's the social science that the Justices need to know." *Washington Post*, Monkey Cage. June 1, 2019.
- "New research shows just how badly a citizenship question would hurt the 2020 Census." *Washington Post*, Monkey Cage. April 22, 2019. (with Matt Barreto, Matthew A. Baum, Bryce J. Dietrich, Rebecca Goldstein, and Maya Sen)
- "G.O.P. Senators Might Not Realize It, but Not One State Supports the Health Bill." *New York Times*. June 14, 2017. (with David Broockman)

Invited Talks

- 2019-2020: Princeton, UC Berkeley, University of Maryland
- 2018-2019: Stanford; Northeast Political Methodology Meeting at NYU; University of Maryland
- 2017-2018: USC PIPE Symposium on Studying Subnational Policy Making; BYU; University of Chicago Conference on Political Polarization
- 2016-2017: University of Virginia; UCLA
- 2015-2016: Washington University in St. Louis; Texas A&M; Arizona State University Conference on Campaigns, Elections and Representation
- 2014-2015: Yale; Columbia; Duke
- 2013-2014: Princeton; Boston University; Rochester University
- 2012-2013: MIT American Politics Conference; Columbia Representation Conference; Princeton Media & Politics Conference; Annual Meeting of the Society for Political Methodology

Grants

Russell Sage Foundation, 2019-2021 (\$119,475)

GW UFF, 2019-2020 (\$14,433)

MIT Elections Lab, 2019-2020 (\$14,000)

Jeptha H. and Emily V. Wade Award, 2014-2016 (\$59,686)

MIT Energy Institute (MITEI) Seed Grant, 2014-2016 (\$137,147)

MIT SHASS Research Fund, 2012-2014 (\$8,734)

Software

dgo: Dynamic Estimation of Group-Level Opinion. 2017. R package. <https://CRAN.R-project.org/package=dgo>. (with James Dunham and Devin Caughey)

Awards and Honors

OVPR Early Career Scholar at George Washington University, 2019.

APSA award for best journal article on State Politics & Policy in 2016.

Award for best paper on State Politics & Policy at the 2014 American Political Science Conference.

Graduate Fellowship, Dept. of Political Science, Stanford University, 2006-2012

David A. Wells Prize in Political Economy for Best Undergraduate Economics Thesis, Williams College, 2002

Phi Beta Kappa, Williams College, 2002

Teaching Experience

Instructor:

Measurement Models (Graduate-level) (GW), 2020

Political Representation (Graduate-level) (GW), 2019

Elections (GW), 2018, 2019

Multi-level and Panel Models (Graduate-level) (GW), 2017, 2018, 2019

Public Opinion (GW), 2017

American Political Institutions (Graduate-level) (MIT), 2014, 2016

Public Opinion and Elections (MIT), 2016

Energy Policy (MIT), 2013

Democracy in America (MIT), 2013, 2014

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6

Constitutional Law & Judicial Politics (MIT), 2013, 2015

Making Public Policy (MIT), 2012, 2014

Teaching Assistant:

Introduction to American Law (Stanford University), 2010

Judicial Politics and Constitutional Law (Stanford University), 2009

Political Economy of Energy Policy (Stanford University), 2008

Introduction to International Relations (Stanford University), 2008

Introduction to Public Policy (Stanford University), 2007

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Graduate Advising

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Alex Beck (Dissertation committee chair)

Colin Emrich (Dissertation committee member)

Jared Heern (Dissertation committee member)

Massachusetts Institute of Technology:

Leah Stokes (Graduated in 2015, Dissertation committee member)

Krista Loose (2016, Dissertation committee member)

Tom O'Grady (2017, Dissertation committee member)

Justin de Benedictis-Kessner (2017, Dissertation committee member)

Alex Copulsky (2017, Masters thesis committee member)

James Dunham (2018, Dissertation committee member)

Parrish Bergquist (2018, Dissertation committee member)

Meg Goldberg (2019, Dissertation committee member)

University Service

George Washington University:

Coordinator, Graduate Political Science Admissions Committee, 2019-2020

Coordinator, American Politics Workshop, 2018-2020

Member, Methods Exam Committee, 2017-2020

Member, Graduate Political Science Admissions Committee, 2018-2019

Christopher S. Warshaw

7

Massachusetts Institute of Technology:

Member, Energy Education Task Force, 2012-2017

Parking and Transit Committee, 2013-2017

Member, Graduate Political Science Admissions Committee, 2013-2015

Faculty Fellow, Burchard Scholars, 2013-2015

Stanford University (as graduate student):

President, Stanford Environmental Law Society, 2009-2010

Executive Board Member, Stanford Environmental Law Society 2008-2010

Member, University Committee on Graduate Studies, 2007-2009

Member, University Library Committee, 2007-2008

President, Political Science Graduate Students Association, 2007-2008

Professional Service

Reviewer: American Political Science Review, American Journal of Political Science, Journal of Politics, Political Analysis, Political Behavior, Econometrica, Quarterly Journal of Political Science, Legislative Studies Quarterly, Political Research Quarterly, American Politics Research, British Journal of Political Science, Journal of Law and Courts, Public Opinion Quarterly, Political Science Research and Methods, State Politics and Policy Quarterly, Journal of Experimental Political Science, Nature Climate Change, Urban Affairs Review, Journal of Health Politics, Policy and Law, Perspectives on Politics, Cambridge University Press

Member, Program Committee, Midwest Political Science Association Conference, 2020

Lead Organizer, Local Political Economy APSA Pre-Conference at George Washington University, 2019

Member, Planning Committee, Cooperative Congressional Election Study (CCES), 2018

Member, Best Paper Committee, State Politics Section of the American Political Science Assoc., 2018

Editorial Board, Journal of Politics, 2017-18

Executive Committee, Urban Politics Section of the American Political Science Association, 2015-2017

Organizing Committee, Conference on Ideal Point Models at MIT, <http://idealpoint.tahk.us>, 2015

Member, Best Paper Committee, Urban Politics Section of the American Political Science Assoc., 2015

Consulting

Consultant, *Abell Foundation*, Report on Potential Institutional Reforms for Baltimore's City Elections

Expert, *League of Women Voters of Pennsylvania v. the Commonwealth of Pennsylvania*, Partisan Gerrymandering Case (2017-18)

Expert, *League of Women Voters of Michigan v. Johnson*, Partisan Gerrymandering Case (2018-2019)

Christopher S. Warshaw

8

Expert, *New York Immigration Coalition v. US Dept of Commerce & State of NY v. US Dept of Commerce, Effects of Undercount on Census due to Citizenship Question* (2018)

Expert, *APRI et al. v. v. Smith et al., Partisan Gerrymandering Case* (2018-2019)

Community Service

Sierra Club: National Board of Directors (2009-2015)

Last updated: August 2, 2020

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

STATE OF NEW YORK, et al.,

Plaintiffs,

v.

DONALD J. TRUMP, *in his official
capacity as President of the United
States*, et al.,

Defendants.

20-CV-5770 (JMF)

NEW YORK IMMIGRATION
COALITION, et al.,

Plaintiffs,

v.

DONALD J. TRUMP, *in his official
capacity as President of the United
States*, et al.,

Defendants.

20-CV-5781 (JMF)

**PLAINTIFFS' LOCAL RULE 56.1 STATEMENT OF MATERIAL FACTS AS TO
WHICH THERE IS NO GENUINE ISSUE TO BE TRIED**

Pursuant to Local Civil Rule 56.1, Plaintiffs the State of New York et al. and the New York Immigration Coalition et al. submit the following statement of material facts as to which there is no genuine issue to be tried.

**EXCLUDING UNDOCUMENTED IMMIGRANTS FROM THE APPORTIONMENT
BASE AFTER THE 2020 CENSUS WILL DEPRIVE CALIFORNIA AND/OR TEXAS OF
CONGRESSIONAL SEATS**

1. Since 1790, no decennial census has excluded any category of persons who usually reside in the United States on their basis of their citizenship or immigration status for purposes of

apportioning congressional representation. *See, e.g., 2020 Decennial Census Residence Rule and Residence Situations*, 80 Fed. Reg. 28,950, 28,950, (2015); Thompson Decl. ¶ 8 (Ex. 57).¹

2. Millions of undocumented immigrants live in the United States and many have lived in the United States for many years. *See* Office of Immigration Statistics, U.S. Dep't of Homeland Sec., *Population Estimates: Illegal Alien Population Residing in the United States: January 2015* at 2 (Dec. 2018),

https://www.dhs.gov/sites/default/files/publications/18_1214_PLCY_pops-est-report.pdf.

3. California and Texas are consistently the two states with the largest populations of undocumented residents. *Id.* at 4-5.

4. According to the Department of Homeland Security, California had 2.9 million undocumented residents and Texas had 1.9 million undocumented residents in 2015. *Id.* at 2.

5. As of the most recent Congressional reapportionment following the 2010 Decennial Census, the average population of each U.S. House district is 710,767 people. *See* Kristin D. Burnett, *Congressional Apportionment*, U.S. Census Bureau (Nov. 2011), <https://www.census.gov/prod/cen2010/briefs/c2010br-08.pdf> (last visited July 30, 2020).

6. According to the United States Census Bureau, as of July 1, 2019, the population of the United States was estimated to be 328,239,523. U.S. Census Bureau, *Annual Estimates of the Resident Population for the United States, Regions, States, and Puerto Rico: Apr. 1, 2010 to July 1, 2019* (NST-EST2019-02), <https://www.census.gov/data/tables/time-series/demo/popest/2010s-state-total.html> (last visited July 30, 2020).

¹ Citations to “Ex. ___” are to the exhibits to the accompanying Declaration of Matthew Colangelo dated August 7, 2020.

7. If the July 1, 2019 Census Bureau estimate of the total United States population is divided by the total number of seats in Congress (435), the quotient is 754,574. *See id.*

8. The Memorandum states that “[i]ncreasing congressional representation based on the presence of aliens who are not in a lawful immigration status would also create perverse incentives encouraging violations of Federal law.” *Memorandum on Excluding Illegal Aliens From the Apportionment Base Following the 2020 Census*, 85 Fed. Reg. 44,679, 44,680 (July 23, 2020) (the “Memorandum”) (ECF No. 1-1).

9. The Memorandum states: “Current estimates suggest that one State is home to more than 2.2 million illegal aliens, constituting more than 6 percent of the State’s entire population. Including these illegal aliens in the population of the State for the purpose of apportionment could result in the allocation of two or three more congressional seats than would otherwise be allocated.” *Id.*

10. A state in which 2.2 million people represent 6 percent of the population would have a total population of more than 36 million residents.

11. According to the United States Census Bureau, as of April 1, 2010, the total population of the State of California was 37,253,956. U.S. Census Bureau, *Annual Estimates of the Resident Population for the United States, Regions, States, and Puerto Rico: Apr. 1, 2010 to July 1, 2019* (NST-EST2019-02), <https://www.census.gov/data/tables/time-series/demo/popest/2010s-state-total.html> (last visited July 30, 2020).

12. According to the Census Bureau, as of July 1, 2019, the total population of the State of California was 39,512,223. *Id.*

13. The second most populous state in the United States is Texas. *Id.*

14. According to the United States Census Bureau, as of April 1, 2010, the total population of the State of Texas was 25,145,561. *Id.*

15. According to the United States Census Bureau, as of July 1, 2019, the total population of the State of Texas was 28,995,881. *Id.*

16. After California and Texas, the next most populous state is Florida, which, according to the Census Bureau, had a total population of 18,801,310 as of April 1, 2010, and an estimated total population of 21,477,737 as of July 1, 2019. *Id.*

17. Based on the Census Bureau's 2019 estimate, 2.2 million people would constitute approximately 7.6 percent of the estimated total population of Texas as of July 1, 2019. *See id.*

18. Based on the Census Bureau's 2019 estimate, 2.2 million people would constitute over 10 percent of the estimated total population of Florida as of 2019. *See id.*

19. The Memorandum anticipates that excluding undocumented immigrants from the apportionment base would deprive California of at least one seat in the House of Representatives. *See* 85 Fed. Reg. at 44,680.

20. Dr. Christopher Warshaw modeled the effects of excluding undocumented immigrants from the population count used to calculate Congressional reapportionment after the 2020 Census. *See* Warshaw Decl. at ¶ 11 (Ex. 58).

21. According to Dr. Warshaw, if undocumented immigrants are excluded from the apportionment basis, the probability that Texas will lose a seat in the House of Representatives is 98.3%. *Id.* § 5.2, Tbl. 7.

22. According to Dr. Warshaw, if undocumented immigrants are excluded from the apportionment basis, the probability that California will lose a seat in the House of Representatives is 72.1%. *Id.*

THE POLITICAL INFLUENCE OF PLAINTIFFS CONSTITUENTS WILL BE DIMINISHED BY THE MEMORANDUM'S EXCLUSION OF UNDOCUMENTED IMMIGRANTS FROM THE APPORTIONMENT BASE

23. Plaintiff the City and County of San Francisco, represented by and through its City Attorney, is a municipal corporation organized and existing under and by virtue of the laws of the State of California, and is a charter city and county. Gov't Pls.' Am. Compl. ¶ 42 (ECF No. 34).

24. Residents of the City and County of San Francisco will lose political power because of California's loss of at least one seat in the House of Representatives due to the exclusion of undocumented immigrants from the apportionment base. *See* Warshaw Decl. § 5.2, Tbl. 7 (Ex. 58).

25. Plaintiff Monterey County, California is a political subdivision of the State of California. *See* Gov't Pls.' Am. Compl. ¶ 48 (ECF No. 34).

26. Residents of the Monterey County will lose political power because of California's loss of at least one seat in the House of Representatives due to the exclusion of undocumented immigrants from the apportionment base. *See* Warshaw Decl. § 5.2, Tbl. 7 (Ex. 58).

27. Plaintiff Cameron County, Texas is a political subdivision of the State of Texas. Gov't Pls.' Am. Compl. ¶ 44 (ECF No. 34).

28. Residents of Cameron County will lose political power because of Texas' loss of at least one seat in the House of Representatives due to the exclusion of undocumented immigrants from the apportionment base. *See* Warshaw Decl. § 5.2, Tbl. 7 (Ex. 58).

29. Plaintiff El Paso County, Texas is a political subdivision of the State of Texas. Gov't Pls.' Am. Compl. ¶ 45 (ECF No. 34).

30. Residents of El Paso County will lose political power because of Texas' loss of at least one seat in the House of Representatives due to the exclusion of undocumented immigrants from the apportionment base. *See* Warshaw Decl. § 5.2, Tbl. 7 (Ex. 58).

31. Plaintiff Hidalgo County, Texas is a political subdivision of the State of Texas. Gov't Pls.' Am. Compl. ¶ 46 (ECF No. 34).

32. Residents of Hidalgo County will lose political power because of Texas' loss of at least one seat in the House of Representatives due to the exclusion of undocumented immigrants from the apportionment base. *See* Warshaw Decl. § 5.2, Tbl. 7 (Ex. 58).

33. Plaintiff American-Arab Anti-Discrimination Committee ("ADC") is a membership-based not-for-profit organization. Khalaf Decl. ¶ 4 (Ex. 26).

34. ADC has several thousand dues-paying members nationwide, with members in all 50 states including California and Texas. *See New York*, 351 F. Supp. 3d at 608; Khalaf Decl. ¶ 5 (Ex. 26).

35. Dr. Souhail Toubia is a member of ADC and a resident of Orange County, California. Khalaf Decl. ¶ 17 (Ex. 26).

36. George Majeed Khoury is a member of ADC and a resident of San Diego, California. *Id.*

37. Because Dr. Toubia and Mr. Khoury reside in California, they will lose political power because of California's loss of at least one seat in the House of Representatives due to the exclusion of undocumented immigrants from the apportionment base. *See* Warshaw Decl. § 5.2, Tbl. 7 (Ex. 58).

38. George Majeed Khoury is a member of ADC and a resident of San Diego, California. Khalaf Decl. ¶ 17 (Ex. 26).

39. Because Dr. Toubia and Mr. Khoury reside in California, they will lose political power because of California's loss of at least one seat in the House of Representatives due to the exclusion of undocumented immigrants from the apportionment base. *See* Warshaw Decl. § 5.2, Tbl. 7 (Ex. 58).

40. Plaintiff FIEL Houston Inc. ("FIEL") is a membership-based not-for-profit organization based in Houston, Texas. Espinosa Decl. ¶ 2 (Ex. 18).

41. Today, FIEL has approximately 11,000 members in the greater Houston area. *Id.* ¶ 3.

42. Deyanira Palacios is a member of FIEL and a resident of Montgomery County, Texas. *Id.* ¶ 19.

43. Because Ms. Palacios resides in Texas, she will lose political power because of Texas' loss of at least one seat in the House of Representatives due to the exclusion of undocumented immigrants from the apportionment base. *See* Warshaw Decl. § 5.2, Tbl. 7 (Ex. 58).

44. Karen Ramos is a member of FIEL and a resident of Harris County, Texas. Espinosa Decl. ¶ 20 (Ex. 18).

45. Because Ms. Ramos resides in Texas, she will lose political power because of Texas' loss of at least one seat in the House of Representatives due to the exclusion of undocumented immigrants from the apportionment base. *See* Warshaw Decl. § 5.2, Tbl. 7 (Ex. 58).

46. Plaintiff Ahri for Justice ("Ahri") is a membership-based not-for-profit organization based in Los Angeles, California. Seon Decl. ¶ 2 (Ex. 43).

47. Ahri has roughly 220 individual members, with most residing in Southern California, and particularly in Orange and Los Angeles Counties. Some but not all of these members are U.S. citizens. *Id.* ¶ 4.

48. Julie Kim is a member of Ahri and a resident of Orange County, California *Id.* ¶ 20.

49. Because Ms. Kim resides in California, she will lose political power because of California's loss of at least one seat in the House of Representatives due to the exclusion of undocumented immigrants from the apportionment base. *Id.*

50. Simon Lee is a member of Ahri and a resident of Los Angeles County, California. *Id.* ¶ 21.

51. Because Mr. Lee resides in California, he will lose political power because of California's loss of at least one seat in the House of Representatives due to the exclusion of undocumented immigrants from the apportionment base. *See* Warshaw Decl. § 5.2, Tbl. 7 (Ex. 58); Seon Decl. ¶ 21 (Ex. 43).

DATED: August 7, 2020

Respectfully submitted,

/s/ Dale Ho

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Of Counsel

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Attorneys for the Plaintiffs in 20-CV-5770

Sent: 9/13/2020 10:17:12 AM

Subject: FW: Meeting

Attachments:

b(5) - WP

From: Kourkouvelis, Aristidis (Federal)

Sent: Friday, August 14, 2020 1:20 PM

To: Olson, Stephanie (Federal) <SOlson@doc.gov>

Subject: RE: Meeting

AWP/PRIV

Edits attached.

Aristidis (Aris) Kourkouvelis | Senior Counsel

Office of the General Counsel

U.S. Department of Commerce

M: **b(6)**

From: Olson, Stephanie (Federal) <SOlson@doc.gov>

Sent: Friday, August 14, 2020 12:26 PM

To: Kourkouvelis, Aristidis (Federal) <AKourkouvelis@doc.gov>

Subject: FW: Meeting

Please send me your revisions, I'll take a look, and we can get to Catherine. Thanks!

From: Heller, Megan (Federal)

Sent: Friday, August 14, 2020 12:24 PM

To: Olson, Stephanie (Federal) <SOlson@doc.gov>; Sharma, Sapna (Federal) <SSharma@doc.gov>; Cannon, Michael (Federal) <MCannon@doc.gov>; DiGiacomo, Brian (Federal) <bDiGiacomo@doc.gov>; Kourkouvelis, Aristidis (Federal) <AKourkouvelis@doc.gov>

Subject: Re: Meeting

My attempt to revise

Megan Heller

Acting Chief, General Litigation Division

Associate Chief Counsel, Office of Appellate Services

Office of the Assistant General Counsel for Employment, Litigation, & Information

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U.S. Dept. of Commerce

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From: Olson, Stephanie (Federal)

Sent: Thursday, August 13, 2020 4:48 PM

To: Olson, Stephanie (Federal) <SOlson@doc.gov>; Heller, Megan (Federal) <MHeller@doc.gov>; Sharma, Sapna (Federal) <SSharma@doc.gov>; Cannon, Michael (Federal) <MCannon@doc.gov>; DiGiacomo, Brian (Federal) <bDiGiaco@doc.gov>; Kourkoumelis, Aristidis (Federal) <AKourkoumelis@doc.gov>

Subject: Meeting

When: Friday, August 14, 2020 11:00 AM-12:00 PM.

Where:

Line 1:

b(6)

Passcodes:

Leader: **b(6)**

Participant: **b(6)**

Sent: 8/13/2020 9:10:32 AM

Subject: FW: Document request from GAO - please review

Attachments: [b(5) - DP] Apportionment Replan - 8.5.20.pdf; Copy of IMS COVID-19 Replan Path from Data Collection to Apportionment.xlsx; List of Post Data Collection Activities.docx; Operational and Processing Options to meet September 30 Final v2-1.pdf; Operational Options to meet September 30 with NRFU OD team notes.docx; Options to meet September 30 9.30 Replan_Background Info.docx; Options to meet September 30_v11.docx;

[b(5) - DP]

Activity ID	Activity Name	Calendar	OD	Start	Finish	Var- Start
20ISR-12170	Conduct Internet Self-Response (ISR) Data Collection	3. 7 Day Federal Holiday thru 2023	230d	12-Mar-20	31-Oct-20	0d
20NID-11020	Conduct Non-ID Clerical Process Operation	3. 7 Day Federal Holiday thru 2023	230d	12-Mar-20	31-Oct-20	0d
20SQO-10500	Conduct Self-Response Quality Assurance	3. 7 Day Federal Holiday thru 2023	230d	12-Mar-20	31-Oct-20	0d
20CQA-10830	Conduct Census Questionnaire Assistance (CQA) Inbound Operation	4. 7 Day No Holidays thru 2023	234d	12-Mar-20	31-Oct-20	0d
20CQA-10840	Conduct Census Questionnaire Assistance (CQA) Outbound Operation	4. 7 Day No Holidays thru 2023	193d	22-Apr-20	31-Oct-20	0d
20CIO-12520	Monitor CQA Outbound CI Telephone Operation	3. 7 Day Federal Holiday thru 2023	187d	24-Apr-20	31-Oct-20	0d
20NRD-31520	Conduct NRFU Reinterview Field Data Collection	3. 7 Day Federal Holiday thru 2023	79d	12-Aug-20	31-Oct-20	0d
20IPC-11080	Conduct 2020 Reminder Phase	4. 7 Day No Holidays thru 2023	79d	14-Aug-20	31-Oct-20	0d
20MTS-22260	Create MAF/TIGER Benchmark for Final Collection Products and Services	3. 7 Day Federal Holiday thru 2023	22d	13-Nov-20*	5-Dec-20	0d
20MTS-20400	Create MAF Extract for Final Collection - MAF/TIGER	3. 7 Day Federal Holiday thru 2023	9d	6-Dec-20	14-Dec-20	1d
20MTS-20410	QC MAF Extract for Final Collection - MAF/TIGER	3. 7 Day Federal Holiday thru 2023	9d	7-Dec-20	15-Dec-20	1d
20MTS-20390	Deliver MAF Extract & Header File to DITD/CARDS for Final Collection - MAF/TIGER	3. 7 Day Federal Holiday thru 2023	2d	16-Dec-20	17-Dec-20	1d
20CAR-50950	DITD/CARDS Receive MAF Extract from MAF/TIGER for Final SDF (Coll)	1. 5 Day Federal Holiday thru 2023	0d	18-Dec-20		1d
20CAR-50980	CaRDS Ingests MAF Extract from MAF/TIGER for Final SDF (Coll)	4. 7 Day No Holidays thru 2023	2d	18-Dec-20	19-Dec-20	3d
20CAR-51060	CaRDS Creates and Review Final SDF (Coll)	4. 7 Day No Holidays thru 2023	4d	20-Dec-20	23-Dec-20	3d
20CAR-51100	CaRDS Delivers Final SDF (Coll) to DRPS	4. 7 Day No Holidays thru 2023	0d		23-Dec-20	6d
20DRP-90590	DRPS Receives and Ingests Final Collection SDF from CaRDS	4. 7 Day No Holidays thru 2023	3d	24-Dec-20	26-Dec-20	6d
20DRP-90580	Create Initial Decennial Response File (PCDI/DRF1) - DRPS	1. 5 Day Federal Holiday thru 2023	12d	28-Dec-20	13-Jan-21	5d
20DRP-11590	Deliver Initial Decennial Response File (PCDI/DRF1) to RPO/DSSD - DRPS	1. 5 Day Federal Holiday thru 2023	13d	30-Dec-20	19-Jan-21	5d
20DRP-11600	Receive Approval of Decennial Response File (PCDI/DRF1) from RPO/DSSD - DRPS	1. 5 Day Federal Holiday thru 2023	1d	19-Jan-21	19-Jan-21	5d
20DRP-90750	Create Initial Decennial Response File (PSA/DRF2) - DRPS	1. 5 Day Federal Holiday thru 2023	6d	19-Jan-21	26-Jan-21	5d
20DRP-18430	Deliver Initial Decennial Response File (PSA/DRF2) to RPO/DSSD - DRPS	1. 5 Day Federal Holiday thru 2023	1d	26-Jan-21	26-Jan-21	5d
20RPO-11250	Receive Primary Selection Algorithm File (PSA) (Final PSA/DRF2) from DRPS	1. 5 Day Federal Holiday thru 2023	1d	26-Jan-21	26-Jan-21	5d
20RPO-11260	Perform SME Review of Primary Selection Algorithm File (Final PSA/DRF2)	1. 5 Day Federal Holiday thru 2023	11d	26-Jan-21	9-Feb-21	5d
20DRP-18440	Receive Approval of Decennial Response File (PSA/DRF2) from RPO/DSSD - DRPS	1. 5 Day Federal Holiday thru 2023	1d	9-Feb-21	9-Feb-21	5d
20DRP-90610	Create Initial Census Unedited File (CUF) - DRPS	1. 5 Day Federal Holiday thru 2023	17d	9-Feb-21	4-Mar-21	5d
20RPO-11270	Provide Results and Approval of Primary Selection Algorithm File (Final PSA/DRF2) to DRPS	1. 5 Day Federal Holiday thru 2023	0d		9-Feb-21	5d
20DRP-18460	Deliver Initial Census Unedited File (CUF) to RPO/POP - DRPS	1. 5 Day Federal Holiday thru 2023	15d	11-Feb-21	4-Mar-21	5d
20DRP-18470	Receive Approval of Census Unedited File (CUF) from RPO/POP - DRPS	1. 5 Day Federal Holiday thru 2023	1d	4-Mar-21	4-Mar-21	5d
20DRP-18480	Deliver Final Census Unedited File (CUF) to POP / CDL - DRPS	1. 5 Day Federal Holiday thru 2023	0d		4-Mar-21	5d
20DPD-10730	POP Receives Final CUF from CDL/DRPS	1. 5 Day Federal Holiday thru 2023	0d	5-Mar-21		5d
20PMD-16890	-----Executive Review and Approve CUF-----	4. 7 Day No Holidays thru 2023	30d	5-Mar-21	3-Apr-21	7d
20DPD-10740	POP Creates/Verifies Apportionment Tables	1. 5 Day Federal Holiday thru 2023	16d	5-Apr-21	26-Apr-21	-1d
20DPD-10750	POP Delivers Final Apportionment Tables to BOC DIR and CQAS	1. 5 Day Federal Holiday thru 2023	0d		26-Apr-21	0d
20DPD-10760	BOC DIR/CQAS Assembles Final Apportionment Transmittal Package	1. 5 Day Federal Holiday thru 2023	4d	27-Apr-21	30-Apr-21	0d
20DPD-10770	BOC DIR Delivers Final Apportionment Transmittal Package to DOC	1. 5 Day Federal Holiday thru 2023	0d		30-Apr-21	0d
20DPD-10850	DOC Delivers Apportionment Counts to President (U.S.C. Article 1, Section 2)	1. 5 Day Federal Holiday thru 2023	0d		30-Apr-21	0d

Var- Finish

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A. Incorporate address updates from the field data collection operations into MAF/TIGER

Original Dates: May 13 – August 13, 2020

New Dates: May 12 – November 12, 2020

During the data collection operations, the census field staff can update address and physical location information as well as add addresses. These updates are incorporated into our address and geo-spatial MAF/TIGER databases. Once updated, each address is associated to the correct state, county, tract, block group and block. Since it is critical to associate each address to the correct geography, we verify that the address and geo-spatial updates are incorporated correctly.

B. Produce the Final Collection Geography MAF/TIGER Benchmark

Original Dates: August 14 – September 1, 2020

New Dates: November 13 – December 5, 2020

In preparation for the producing the final collection geography data files needed for producing the apportionment counts and redistricting data products, we create a benchmark of MAF/TIGER, which is a snapshot of the databases.

C. Produce the Final Collection Address Data Products from MAF/TIGER

Original Dates: September 2 – 14, 2020

New Dates: December 6 – 17, 2020

Once the benchmark has been created, the final collection geographic data files are produced and verified.

D. Produce and review the Decennial Response File 1 (DRF1)

Original Dates: September 15 – October 14, 2020

New Dates: December 18, 2020 – January 19, 2021

The verified final collection geography data are integrated with the response data. Integration of these data is also verified to ensure accuracy. The next set of activities involves the standardization of the collected information.

- First we determine the final classification of address as either a housing units or group quarters. Addresses can change from a housing unit to group quarters and vice versa. Initial status is set at the start of the data collection operations as either a housing unit or group quarters. During the enumeration operations, we collect information that informs us on the classification. For a small number of addresses the classification has changed, for example a housing unit that has been turned into a small group home. Based on the information collected we determine the status of every address as either a housing unit of group quarters.
- Next, we identify each unique person on the housing unit returns.
- As part of the Nonresponse Followup operation, we conduct a reinterview of a sample of cases to ensure quality. We incorporate the results of the reinterview.
- As part of the Internet self-response option and telephone operation, respondents can provide their data without their Census Identification Number (ID). At this point these cases are assigned an ID which associates them to the final collection geography.

- Some group quarters will provide the information electronically. These files can contain duplicate records, so we need to remove the duplicates.
- We also determine the population count for all group quarters.
- We collect data in many ways, for example on-line, over the phone, on a paper questionnaire, electronic administrative files, and in person using an electronic questionnaire. As a result, we need to standardize the responses across the modes of collection.
- Finally, for the operations that collect data on a paper questionnaire, some housing units have more people than can fit on one paper questionnaire. The census field staff will use multiple paper questionnaires to enumerate the house. These continuation forms are electronically linked to form one electronic form.

E. Produce and review the Decennial Response File 2 (DRF2)

Original Dates: October 14 – November 4, 2020

New Dates: January 19 – February 9, 2021

Once the previous step has been verified, we incorporate the results from the Self-Response Quality Assurance operation. As part of the group quarters operations, we enumerate domestic violence shelters. Their locations and data are high sensitive and are handled with special procedures both in the field and in processing. Their data are incorporated at this point in the process. Finally, for a small number of addresses we receive multiple returns, for example one person in a house completes the form on-line and other completes the paper questionnaire. For these cases, we select a form that will be used as the enumeration of record.

F. Produce and review the Census Unedited File (CUF)

Original Dates: November 4 – 30, 2020

New Dates: February 9 – March 5, 2021

Once the previous step has been verified, we incorporate administrative records data as the response data for housing units where we do not have an enumeration and have high quality administrative records data. Next we determine the status for every housing unit as occupied, vacant or non-existent. Non-existent units are removed from future processing. For every occupied housing unit, the population count is determined. For each person with write-in responses to the race and Hispanic origin questions, we merge in the information from automated and clerical coding operations. The coding operations assign a numerical value to the write-in responses. At this point in the post-data collection activities, for every housing unit and group quarter their location (state, county, tract, block group and block) is assigned, their status (occupied, vacant or non-existent) is determined, and in occupied addresses the number of persons is known. In addition, at the person level the demographic information (relationship, age, date of birth, sex, race and Hispanic origin along with write-in code values) and at the housing unit level housing information (tenure) is determined. For the major of these items, the respondent provided the information. However, for a small number of people and addresses the information may be missing or inconsistent with other provided information, for example the Person 1's spouse is five years old. The result of these processes is a file that contains records for every housing unit and group quarters along with person

records for the people associated with the addresses. Note that some of the demographic information and response to the tenure question may be missing.

G. Review and verification of the data processing and steps and products

Original Dates: Not in the original schedule

New Dates: March 5 – April 3, 2021

Built into the process is 30-calendar days of schedule contingency. This contingency is a risk mitigation if the data collection operations do not complete on time or additional time is needed in the post-data collection activities prior to producing, reviewing and releasing the apportionment counts (Item H below). For example, Nonresponse Followup runs long because we need to halt operations in some Area Census Offices because of a hurricane in the Atlantic states or early snow events in the northern states. If the contingency is not utilized we will be able to start the production of the apportionment counts on March 12, 2021.

H. Produce, review and release the Apportionment Counts

Original Dates: December 1 – 28, 2020

New Dates: April 5 – 30, 2021

Once the CUF has been verified, the process goes down two paths. The first path is to determine the apportionment counts. Since every housing unit and group quarters has a population count and linked to a state, we can tabulation the state level population counts. In addition, we merge in the count of the Federally Affiliated Overseas population for each state. From these data the number of representatives for each state can be determined. To ensure accuracy in the apportionment numbers, the state counts including the overseas population and apportionment numbers are determined by multiple independent ways. The results of the independent ways are compared and reconciled, if necessary. Once verified, the Apportionment Transmittal Package are produced and verified within Census Bureau at multiple organizational levels. At the same time ancillary materials are produced and review, such as press release statement, press conference presentation, talking points, and internal briefing book. The Census Bureau Director delivers the Apportionment Transmittal Package to the Secretary of Commerce, who delivers it to the President. After the delivery to the President, a press conference and public release of the Apportionment Counts is held.

I. Produce and review the Census Edited File (CEF)

Original Dates: November 24, 2020 – January 25, 2021

New Dates: March 1 – April 23, 2021

On the second path following the creation and verification of the CUF, we resolve the missing and inconsistent information through editing and imputation. Once completed, tenure is defined for every housing unit and the all demographic information is known for every person.

J. Produce and review the Microdata Detail File (MDF)

Original Dates: January 26 – February 9, 2021

New Dates: April 26 – May 7, 2021

Once the CEF is verified, we implement modern disclosure avoidance methods to ensure the confidentiality of the individual respondent. Review and verification of the data processing and steps and products

Original Dates: Not in the original schedule

New Dates: May 18 – June 6, 2021

Built into the process is a second 30-calendar days of schedule contingency. This contingency is a risk mitigation if the data collection operations do not complete on time or additional time is needed in the post-data collection activities prior to producing, reviewing and releasing the P.L. 94-171 redistricting data products (Item L below). If this contingency and the contingency in Item G are not utilized we will be able to start the production of the redistricting data products on May 18, 2021.

K. Produce, review and release the P.L. 94-171 Redistricting Data Products

Original Dates: February 10 – April 1, 2021

New Dates: June 7 – July 29, 2021

Once the MDF is verified, we produce, review and release the P.L. 94-171 redistricting data products.

Attachment

<p>A. Incorporate address updates from the field data collection operations into MAF/TIGER</p> <ol style="list-style-type: none"> 1. Receive, process and apply address and spatial updates to MAF/TIGER 2. Assign a geocode to each address enumerated in the 2020 Census, which involves associating each address to a state, county, tract, block group and block 3. Verify the address and spatial updates 4. Incorporate into the MAF/TIGER
<p>B. Produce the Final Collection Geography MAF/TIGER Benchmark</p> <ol style="list-style-type: none"> 1. Run address and geography quality checks 2. Establish location (geocoding) of all addresses 3. Create the MAF/TIGER snapshot with final collection geography
<p>C. Produce the Final Collection Address Data Products from MAF/TIGER</p> <ol style="list-style-type: none"> 1. Create and verify the MAF/TIGER extracts with final collection geography 2. Deliver the MAF/TIGER extract to Decennial Response File 1 processing
<p>D. Produce and review the Decennial Response File 1 (DRF1)</p> <ol style="list-style-type: none"> 1. Ingest and verify Final Collection MAF/TIGER data 2. Reconciling housing and group quarter status 3. Reconciling GQ population counts 4. Reconciling MAFIDS 5. Determining residence coding (UHE) 6. identifying unique data defined persons within a HU 7. Unduplication of people from eResponse Group Quarters 8. Unduplication of non-ID responses 9. Verify Fail file from SMaRCS (Nonresponse Followup reinterview) 10. Standardize response data across modes 11. Determine final demographic variables from response data 12. Standardize demographic data for person matching 13. Link continuation forms 14. Reconcile GQ population 15. Adjudicate household population 16. Perform Service Based Enumeration unduplication 17. Review and verify the DRF1
<p>E. Produce and review the Decennial Response File 2 (DRF2)</p> <ol style="list-style-type: none"> 1. Ingest and verify DRF1 data Ingest and verify Self Response Quality Assurance (SRQA) results data from CDL 2. Ingest and verify PSA across housing unit matching data 3. Ingest and Verify PSA across GQ matching data 4. Process SRQA results 5. PSA selects the data, if any, from the Decennial Response File (DRF) to represent a housing unit and/or group quarters 6. Secure Domestic Violence Shelters (DVS) 7. Review and verify the DRF2
<p>F. Produce and review the Census Unedited File (CUF)</p> <ol style="list-style-type: none"> 1. Ingest and verify DRF2 data 2. Determine housing unit status from PSA and including Administrative records housing unit file from CDL and USPS undeliverable as addressed (UAA) 3. Determine the preliminary CUF Universe (PCUF) 4. Set the PCUF outcome variables for GQ's

<ol style="list-style-type: none"> 5. Determine status of occupied, vacant, deleted or unresolved housing units 6. Append Hispanic origin and race write-in codes 7. Define and create Input variables for Imputation 8. Incorporate administrative records data 9. Identify addresses requiring count imputation and assign parameters 10. Impute housing unit status and population count with nearest neighbor hot deck and assign household size 11. Review and verify the CUF
G. Review and verification of the data processing and steps and products
H. Produce, review and release the Apportionment Counts
<ol style="list-style-type: none"> 1. Receive and ingest the CUF 2. Receive and ingest the Federally Affiliated Count Overseas (FACO) File 3. Verify and resolve issues the counts in the FACO File and resolve issues 4. Receive and ingest the MAF ID State Change (MISC) File 5. Verify the MISC File and resolve issues 6. Verify the counts in the CUF and resolve issues 7. Calculate Apportionment Counts – multiple independent calculations 8. Compare results across independent calculations 9. Resolve any issues found during verification and re-verify 10. Create and verify tables for Apportionment Transmittal Package 11. Deliver transmittal tables to Population Division Chief 12. Deliver final cleared apportionment tables to CQAS/PIO/GEO 13. Create and verify apportionment maps 14. Assembles the apportionment transmittal package and coordinates review within BOC 15. Produce pre-approved ancillary materials, such as press release statement, press conference presentation, talking points, and internal briefing book 16. Verify contents of ancillary materials 17. BOC Director Delivers the apportionment transmittal package to the Secretary of Commerce 18. Secretary of Commerce delivers the Apportionment Counts to the President 19. Press conference and public release of the Apportionment Counts
I. Produce and review the Census Edited File (CEF)
<ol style="list-style-type: none"> 1. Ingest CUF data 2. Merge in administrative records data 3. Perform pre-edits on HU and GQ demographic data 4. Perform substitution 5. Perform household edit and formulation 6. Perform recodes for specified data, including several race and Hispanic origin data recodes 7. Perform tenure edit and allocation as well as vacancy status edit/allocation 8. Create housing and person file recodes 9. Create the CEF 10. Review and verify the CEF
J. Produce and review the Microdata Detail File (MDF)
<ol style="list-style-type: none"> 1. Create and verify an United States person level file 2. Create and verify a Puerto Rico person level file 3. Create and verify an United States household level file 4. Create and verify a Puerto Rico household level file 5. Transfer the person and household level files to the tabulation system
K. Review and verification of the data processing and steps and products

L. Produce, review and release the P.L. 94-171 Data Products

1. Ingest and verify the MDF
2. Add variable recodes
3. Ingest and verify the final tabulation geography
4. Provide geographic data to CEDSCI
5. Produce the P.L. 94-171 data products/tables and metadata
6. Upload the P.L. 94-171 data products into CEDSCI and the internal published location
7. CEDSCI ingests data files and metadata for review (early review system)
8. Deliver the Aggregate Display and New Dataset XML files to CEDSCI for the API
9. Produce the P.L. 94-171 Data Products (Begin weekly iteration¹ of activities to support the five Tiers²)
 - i. CEDSCI ingest data files and metadata for review (final review system)
 - ii. Add weekly Tier of data to the API
 - iii. Create DVDs and Flash Drives for distribution to the States
 - a. Convert data to disc format
 - b. Generate master production disc and flash drive
 - c. Scan masters for viruses or other compromised code
 - d. Review and test disc and flash drive masters
 - e. Produce discs and flash drives for delivery
 - iv. Review and verify the data products
 - a. Conduct ongoing review of MDF for data reasonableness of tabulated data for counts and demographic and housing characteristics
 - b. Ensure consistency between internally tabulated data and data products
 - c. Ensure consistency within tables (such as table rows summing to totals correctly) and across tables (counts of characteristics/populations are consistent for the same geography across tables)
 - d. Verify data product headers, row and column labels, indenting, universe statements, and notes
 - e. Verify tabulations for each geographic summary level.
 - v. Release P.L. 94-171 data products to the States
 - a. Mail discs and flash drives on Tuesdays with next day target delivery
 - b. Push weekly Tier of states into the CEDSCI embargo environment on Wednesdays
 - vi. Confirm receipt of P.L. 94-171 data products in the States on Wednesdays
 - a. Contact official recipients to ensure data was received
 - b. Notify CEDSCI to begin push to release weekly Tier of states to the public
 - vii. Release P.L. 94-171 data products to the public on Thursday

¹ After the data are initially tabulated, a series of activities begin that are needed to ensure high quality data products are being released. These releases are constrained in part due to physical limitations required by data and physical product review. In addition, in order to meet our obligation to deliver the data to our legally required recipients prior to publishing data for the public we can only perform Thursday public releases each week.

² The states are grouped into weekly buckets called Tiers. These Tiers are organized by urgency of the State's deadlines for redistricting and by the ability of the Bureau to perform the necessary production and review prior to releasing the data. (Tier 1 = 8 states/605 counties; Tier 2 = 10 states/ 663 counties; Tier 3 = 13 states/668 counties; Tier 4 = 13 states/667 counties; Tier 5 = 8 states/618 counties)

Operational and Processing Options to Meet Statutory Date of December 31, 2020 for Apportionment

August 3, 2020

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Bottom Line Up Front

Objective: We have developed this plan in response to your request to provide an apportionment count by the statutory deadline of December 31, 2020.

- **Maximizing** staff and production hours for field data collection operations to conclude field data collection by September 30, 2020.
- **Compressing** and streamline backend processing to deliver apportionment counts by December 31, 2020.
- **Achieving** an acceptable level of accuracy and completeness, with a goal of resolving at least 99% of Housing Units in every state.

Nonresponse Followup Operational Options

Early Start of Nonresponse Followup Operations

6 Cycle 1a Area Census Offices (ACOs) began operations on July 16

6 Cycle 1b ACOs began operations on July 23

35 Cycle 2 ACOs were scheduled to begin operations on July 30; however, we started operations earlier in some ACOs where staff was available:

- 17 ACOs – Started July 26 – 29
- 18 ACOs – Started July 30

39 Cycle 3 ACOs were scheduled to begin operations by August 3:

- 15 ACOs – Started last week, July 31
- 24 ACOs – Started today, August 3

All remaining ACOs were scheduled to begin August 11, but will begin operations by August 9:

- 53 ACOs – Will start August 3 – 7
- 109 ACOs (all remaining) – August 9
- These ACOs will have to deploy staff regardless of the COVID-19 risk in those areas to open on these dates.

Increased Replacement Training for Enumerators

Replacement Training Options	Potential Efficiency Gain / Applicable Costs to Implement
Inviting More People to Training	Over selection rates will address higher-than-expected no-show rates of 35%, bringing us closer to our target initial staffing levels.
Continual Replacement Training	Expect to conduct replacement training for at least 135K Enumerators due to attrition. Just over 11,000 training additional sessions: \$90m total training cost

Production Staff Awards for Increased Work Hours

Award Options Covers Weeks of August 9, August 16, August 23	Potential Efficiency Gain / Applicable Costs to Implement
Implement Awards to recognize increased work hours: <ul style="list-style-type: none"> • \$50 for exceeding 15 hours/week • \$50 for exceeding 25 hours/week (\$100 total) <ul style="list-style-type: none"> ○ Must complete 0.75 cases/hour 	Expect 340,000 to qualify: <ul style="list-style-type: none"> • \$30m/week • Increases capacity by 1.5 million work hours per week, or 80,000 more “19 hour” enumerators per week
Implement Award for working multiple 25 hour weeks: <ul style="list-style-type: none"> • \$500 for completing 3 weeks of production 	Expect 150,000 to qualify: <ul style="list-style-type: none"> • \$75m total cost • Lower operational impact as a result of reduced replacement training
Implement CFS Award for working multiple weeks: <ul style="list-style-type: none"> • \$750 for completing 3 weeks of production • Would recognize those who work at least 32 hours per week 	Expect 15,000 CFSs to qualify: <ul style="list-style-type: none"> • \$11.5m total cost per week • Increased data quality due to more effective alert resolution • Improved operational support with experienced supervisor

Outreach Methods to Expand Reach to Underperforming Areas

Options	Potential Efficiency Gain / Applicable Costs to Implement
<p>Expand the use of NRFU Travel Teams:</p> <ul style="list-style-type: none">• Moving teams that have successfully completed their areas to areas requiring additional attention	<p>Using experienced staff minimizes the need to train new staff – particularly in areas where new staff are not available.</p>
<p>Implement outbound phone calling to conduct interviews:</p> <ul style="list-style-type: none">• Use telephone numbers from ERD Contact Frame• Used by enumerators in ACOs that are finishing up to help out in other ACOs	<p>Enables enumeration in high COVID-19 risk areas and provides additional data collection capability.</p>

Adjustments to NRFU Contact Strategy

NRFU Adjustment Options	Potential Efficiency Gain / Applicable Costs to Implement
Close out self-reported vacants that are also Administrative Record (AdRec) vacant	Reduce workload by 140k cases
Reduce contact attempts for self-reported vacants from 6 to 1, if HU is confirmed vacant	Increase enumerator productivity
Reduce contact attempts for Re-Interview (RI) and Self-Response Quality Assurance (SRQA) cases from 6 to 3	Reduce attempts from 6 to 3 for 1.9 million cases, increase enumerator productivity
Eliminate Random RI, and depend on analytic sampling	Reduce NRFU workload by 800k cases – potential reduction in quality of enumerator work
Make “pop count only” sufficient earlier in the operation	Still being researched, TBD

Implement Additional Administrative Record Options

Administrative Records Options	Potential Efficiency Gain / Applicable Costs to Implement
We are in consultation to revise our AdRec strategy to use IRS-only (no corroborating sources) for “pop count only” cases	Reduce attempts from 6 to 1 for estimated 3.8 million cases, contingent on IRS approval, increasing enumerator productivity
Close out cases with conflicting AdRec showing both vacant and delete	Reduce attempts from 6 to 1 for 1.9 million cases, increasing enumerator productivity

Overview of Backend Processing

Assumptions:

1. Highly compressed schedule for 2020 Census data processing and review of data products.
2. Post-processing must start by October 1, 2020.
3. Post-processing work activities are limited to those required to produce apportionment counts. Delivery of redistricting data products will be negatively impacted under this revised plan and we are determining full impacts.
4. All of these activities represent abbreviated processes or eliminated activities that will reduce accuracy.

Compressing Backend Processing

Adjusted Activity	Impact and Risks
<p>Finalize Master Address File (MAF) updates from remaining field operations by 9/4/20</p> <p>Address updates from continued field work after 9/4/20 will not be applied to the MAF</p>	<p>We do not anticipate that the resulting number of updates not included will be highly significant. However, increases risk of inaccuracy.</p>
<p>Eliminate the step that includes Decennial Statistical Studies Division (DSSD) review of the MAF extract</p>	<p>Risk of missing and therefore propagating errors, however the MAF is the most accurate ever.</p>
<p>Lock Geographic processing on 9/25/20 and deliver the final 2020 Census address universe by 10/14/20</p>	<p>Reduces a 35 day processing duration to 19 days.</p>
<p>Cancel Count Review Event 2, eliminating the need for late Group Quarters Enumeration (GQE) operations</p>	<p>State demographer review of GQ data will be cancelled. The Demographic and Decennial staffs will work together to develop the message and communicate it to the Federal State Cooperative for Population Estimates (FSCPE)/states. The risk is virtually certain vocal objections from the FSCPE State Demographers and the State Governors they serve.</p>

Compressing Backend Processing - Continued

Adjusted Activity	Impact and Risks
<p>Create a separate processing stream for the Enumeration of Transitory Locations (ETL) and Service Based Enumeration (SBE) operations that follows the Federally Affiliated Count Overseas (FACO) processing approach. This will enable adding ETL and SBE population counts state-by-state significantly later in the Census Unedited File (CUF) production process.</p>	<p>This file needs to be delivered to POP by the time the CUF – the basis for the apportionment delivery – review is scheduled to be complete, by December 18. Additionally, ETL permits the reporting of a Usual Home Elsewhere (UHE), which will not be able to be processed with this new approach.</p> <p>The CUF will have to be re-run prior to the processing of the Census Edited File (CEF) in order to add in the SBE/ETL population for the Public Law 94-171 Redistricting file. The Apportionment Team will need to change its processing plans and conduct testing to ensure the proper integration of ETL/SBE state counts.</p>
<p>Compress POP division and DSSD review and processing times</p>	<p>A compressed review period creates risk for serious errors not being discovered in the data – thereby significantly decreasing data quality. Additionally, serious errors discovered in the data may not be fixed – due to lack of time to research and understand the root cause or to re-run and re-review one or multiple state files.</p>
<p>Compress time for creating/verifying apportionment data and preparation of transmittal package for DOC</p>	<p>A compressed review period creates risk for errors being present in the data.</p>

Implementation of the Presidential Memo

A team has been established and is tasked with deriving a process utilizing sound statistical methods and meeting tests of operational feasibility, to achieve the goals of directives from Secretary Ross regarding implementation of the Presidential Memo. To achieve this, the Census will:

- Build upon the work we have already done based on Executive Order 13880, “Collecting Information about Citizenship Status in Connection with the Decennial Census”.
- Use all administrative records to the extent they are available. Using these records, in combination with other data already obtained regarding citizenship status, we will further refine the non-citizen category.
- Incorporating this work into the schedule to meet the current legal mandates.

Announcing the Replanned Operational Schedule

- **Announce:** Statement from Director Dillingham issued by Monday afternoon or as approval given with new schedule and re-plan outline.
- **Update Webpage:** We will update central schedule webpage with new dates. (current page reflects re-planning status)
- **Rollout:** We will follow a controlled rollout to give appropriate embargoed heads up to key Congressional offices, and then post and distribute the updated materials to Census Bureau staff, partners, intergovernmental stakeholders, and the media.

Questions?

Operational Options to meet September 30

Includes NRFU OD team options

Assumptions:

- Acceptable quality measure: 99% if HUs resolved (similar to 2010); Count Imputation up to 1%
- Keep SBE (Sept 22-24) and ETL (Sept 3 – Sept 28) as scheduled
- PDCCs can turn around daily paper deliveries in about 24-48 hours

1. Self response 7th mailing : cut workload now and send to the lowest responding tracts until we run out of packages (get from Alexa how fast that would mean in-home)

2. NRFU options:

- a. Adding outbound phone options from enumerators
- b. Review contact strategy:
 - i. go to POP Count only earlier
 - ii. go to proxy earlier
 - iii. reduce/eliminate random RI sample and only use analytical sample
- c. Implement incentives for enumerator pay (Jamey's plan):
 - Enumerator Pay bonus for meeting minimum "work availability"
 - Purpose is to boost productivity
 - Propose \$100 for exceeding 25 hours/week
 - \$100 is approximately 25% greater than the average wage (19 hours x \$21/hour = \$399)
 - 25 hours per week is just over 30% more hours than the 19 planned hours
 - We would incorporate an assessment of productivity also
 - Expect 250,000 to qualify
 - \$25m/week
 - Increases capacity by 1.5m work hours, or 80,000 more "traditional" enumerators
 - Enumerator Pay bonus for working multiple weeks (could be issued multiple times)
 - Purpose is to promote retention – and boost productivity
 - Propose \$500 for completing 3 weeks of production
 - Would require meeting the \$100 guideline also
 - Expect 150,000 to qualify
 - \$75m total cost
 - CFS Pay bonus for working multiple weeks (could be issued multiple times)
 - Purpose is to promote retention

- Propose \$750 for completing 3 weeks of production (from established start date)
 - Would require “acceptable” alert resolution and minimum number of hours
 - Expect 15,000 CFSs to qualify
 - \$11.5m total cost per week
 - d. Start any office that is scheduled for August 11 as soon as they have trained staff
 - e. Consider starting August 9 versus August 11?
 - f. Changes to case handling:
 - i. Close out AdRec V/D cases that also have one UAA
 - ii. Close out Self-Reported Vacants that are modeled as vacant or have a UAA
 - iii. Close out Self-Reported Vacants after one visit
- 3. Accelerate GQE, ETL, Count Review, and Late GQE
 - a. Go to field for full GQE starting 7/31
 - b. Do Count Review early and get Late GQE done by the end of September
 - c. Crash resources on ETL to shorten the duration
- 4. Ensure FACO data for overseas count is ready (key input to apportionment)

Reduced NRFU Timeframe Planning Document

Bureau and Department of Commerce leadership have requested that the Bureau attempt to deliver the apportionment counts at the original schedule (December 2020). To that end, shortening the duration of NRFU is one component that can contribute to that goal. This document outlines initial ideas about how to reduce the NRFU time frame (currently scheduled to end on October 31) by at least four weeks (October 3).

Color Key

Green – Level of effort is low

Teal – Change recommended by the OD Team

Black – OD team does not recommend change

Meetings

07/30/20 11am-1pm | **Attendees:** Dominic Beamer, Kevin Zajac, Kristine Roinestad, Nhut Le-Ammons, RJ Marquette, Tom Mule, Chuck Fowler, Ryan Cecchi, Trong, Tammy Adams, Sarah Gibb, Mariam, Nhut

07/30/20 4:30pm-5:30pm | **Attendees:** Dominic Beamer, Karen Field, Kristine Roinestad, Letitia Jones, Mariam Elisashvili, Nhut Le-Ammons, Sarah Gibb, Tom Mule, Tammy Adams

Ideas for Reducing NRFU Workload / Attempts

- a. Reduce number of attempts on RI, SRQA cases to 3
 - a. **Details:** See description
 - b. **Level of effort:** Simple change in FOCS if nationally applied (does not require new code). Max attempts for these cases would be set to 3.
 - c. **Negative Impact:**
 - i. NRFU RI: Will result in more RINI. Just under 5% of RI cases are completed after the 3rd attempt.
 - ii. SRQA: Will result in more non-interviews. Possible impacts on quality model.
 - iii. No impact on UTS reports. DCMD NRFU confirmed that they count the max attempts event code and do not tally contact attempts.
- b. Reduce number of attempts on AdRec Vacant or Delete without a UAA
 - a. Option 1: Treat like AdRec Vacant/Delete with UAA (1 attempt or more if leadership desires).
 - i. **Details:** see above
 - ii. **Level of effort:** Simple change in FOCS if nationally applied (does not require new code). Max attempts for these cases would be set to 1.
 - iii. **Negative Impact:**
 1. Cases that may have been found occupied with additional visits would be closed as vacant/delete.
 - b. Option 2: Utilize updated AdRec for the cases where CAES is confident that the case is vacant or delete regardless of UAA status
 - i. **Details:** V/D wo/UAA = 2.5M cases (2.1M Vacant / 0.4M Deletes). *Tom to see how much of that could be modeled to get 1 attempt
 - ii. **Level of effort:**

1. Will likely require FOCS code change to run a utility to update the attempts.
2. CAES would also have to deliver a file to FOCS.

iii. **Negative Impacts:**

1. Cases that may have been found occupied with additional visits would be closed as vacant/delete. However, that impact is lower for option 2 than option 1.

c. **(Recommended) Option 3:** Same as option 1 but also Reduce contact attempts for AdRec Vacant/Delete cases with a UAA where an enumerator marked the housing unit as potentially occupied. Instead of 6 attempts, it would be reduced to something lower (possibly 1).

- i. **Details:** See above
- ii. **Level of effort:** Simple change in FOCS if nationally applied (does not require new code). Max attempts for these cases would be set to 1.

iii. **Negative Impacts:**

1. Cases that may have been found occupied with additional visits would be closed as vacant/delete. This will have the largest impact between the three options.

d. **Note:** Mailing 7 should include these cases (AdRec V/D w/o UAA). Also doing this mailing sooner would allow an additional option for these housing units to self-respond. This is a sort of contingency.

c. **Going to proxy after 1 visit instead of 3**

- a. **Details:** See above
- b. **Level of effort:** Simple change in FOCS if nationally applied (does not require new code).
- c. **Negative Impacts:**
 - i. More proxy data will be collected and will be of less quality than getting the data from a household respondent.

d. **Reducing the criteria for phases**

- a. **Details:** The OD team does not believe a change to the criteria of phases will have an effect.

e. **Reduce Random RI Sampling**

- a. **Details:** Reduce random sampling for reinterview to only sample one of the first 3 eligible cases for every enumerator and no longer conduct a random sample for the enumerator.
- b. **Level of effort:** SMarCS sampling is setup to select one of the first three cases only.
- c. **Negative Impacts:**
 - i. More likely to let poor performing enumerators continue working cases.

f. **Population count only being sufficient earlier in the operation**

- a. **Details:** Rather than a case having 6 attempts even if it has a population count, the case is closed once a pop count is received.

- b. **Level of Effort:** FOCS adds extra criteria to case completion logic to add pop-count (including the roster count, pop count asked at the beginning of the interview, and the question asked on the exit screen if the interview is ended early). This would be a part of nightly processing.
 - c. **Negative impacts:**
 - i. More cases are closed that may have been fully enumerated with additional attempts.
 - ii. Computer and Clerical matching in Reinterview may be impacted. *DSSD to review and report back.
- g. Remove self-reported vacants from the workload
- a. **(Recommended) Option 1:** Remove self-reported vacant cases with an AdRec status of vacant or delete
 - i. **Details:** see above
 - ii. **Level of Effort:** Will require FOCS code change to run a utility to close all self-reported vacant cases.
 - iii. **Negative impacts:**
 - 1. Cases that may have been confirmed in the field as occupied will be closed as vacant (data quality).
 - b. **Option 2:** Remove self-reported vacant cases regardless of AdRec status
 - i. **Details:** Potentially ~1M cases. *DCMD NRFU to check on how often self-reported vacant cases are confirmed vacant = ~47%.
 - ii. **Level of Effort:** Will require FOCS code change to run a utility to close all self-reported vacant cases.
 - iii. **Negative impacts:**
 - 1. Cases that may have been confirmed in the field as occupied will be closed as vacant (data quality).
 - c. **(Recommended) Option 3:** Reduce contact attempt days to 1 for all self-reported vacant cases regardless of AdRec status.
 - i. **Details:** See above
 - ii. **Level of Effort:** Simple change in FOCS if nationally applied (does not require new code).
 - iii. **Negative impacts:**
 - 1. Cases that may have been completed in the field with additional attempts it will be closed after 1 attempt.

Alternative: Utilizing CQA for Phone Attempts

- a. **Details:** The level of effort and risk involved with utilizing Pega systems to do this calling is quite large. Alternatively, cases could be paused in FOCS while CQA works them using their existing processes with significant modification. Given the results from prior outbound phoning efforts (see below) and the effort involved with utilizing CQA in this way, the OD team recommends that CQA is not used for phone attempts during NRFU.
 - i. 2018 E2E – Phone follow-up for NRFU RI had an 18.9% resolution rate.
 - ii. 2013 CT – 2.7 percent of CATI cases were completed using AdRec contact frame interviews.

- b. **Level of Effort:** Many modifications to the CQA process will be necessary. Two of the largest are: re-using the coverage improvement outbound framework and updating it to ingest address information. Agent call scripts would also need to be updated to collect verification of address.
 - c. **Negative Impacts:**
 - i. CQA would likely need to halt coverage improvement outbound calling.
 - ii. Resolution rate over phone is less than in the field.
- i. Expanding Phone Contact Nationally at the Start of the Operation
 - a. **Details:** See above. This should be a lower priority because of the value added. The training for a combined field and phone strategy is more complex. Enumerators will likely choose to work phone cases over personal visits (path of least resistance).
 - b. **Level of Effort:** Low, development for this is underway.
 - c. **Negative Impacts:**
 - i. See details above.
- j. Monitor best time to contact probabilities and workload allocation. If issues exist, ignore best time to contact earlier in the contact strategy.
 - a. **Details:** See above.
 - b. **Level of Effort:** Parameters exist in MOJO to ignore best time to contact probabilities in geographies as low as CFM zone.
 - c. **Negative Impacts:**
- k. Additional rounds of AdRec modeling
 - #1 Using Additional corroboration sources for IRS-only cases
 - a. **Details:** This would conduct additional processing to determine if families could be found on BlackKnight deed files. This would take advantage of ERD software being run on CAES to assess NonID MAFID assignments. This would increase the number of AdRec occupied cases (one visit).
 - b. **Level of Effort:** The ERD software would have to be modified to include black knight data. The CAES software would be modified to use these results to then be able to set our corroboration flag. AR enumeration would have to be modified to allow these corroborations to be used.
 - c. **Negative Impacts:**
 - #2 Work with Census Legal Staff to do determine if use of IRS-only cases for certain implementations like population count only enumeration can be approved.
 - a. **Details:** IRS indicated that their data could not be used solely for enumeration without making it combined t13/t26. This would have implications on sending results to T13 downstream systems. Census Legal might be able to determine an instance where it is possible. This would increase the number of AdRec occupied cases (one visit).
 - b. **Level of Effort:** CAES would have to change code to push one-visit or closeout determinations for the allowable cases. AR enumeration would be modified to push the approved response.
 - c. **Negative Impacts:** Households with AR enumeration are usually expected to have person records so would have to confirm this does not have downstream impacts.

#3 Implement One-Visit Occupied determinations for American Indian Reservations

- a. **Details:** Would implement a new model to determine one-visit occupied determinations for addresses on AIRs. This group was getting full contacts by default since they were undercounted in 2010. This would increase the number of AdRec occupied cases (one visit).
- b. **Level of Effort:** low for NRFU and AR enumeration.
- c. **Negative Impacts:** This would be doing lower field visits but with the other changes of reducing visits or starting proxy earlier this may be more acceptable now. If we do not want to do one-visit, we can always do closeout.

#4 Assign additional vacant addresses

- a. **Details:** Our current modeling produces a group of No Determination cases that we do not think are occupied. They have high probabilities of both vacant and delete so we did not make a determination. For these cases, we can make them vacant. This would decrease no-determination cases and in turn add AdRec Vacant/Delete cases (1 attempt).
- b. **Level of Effort:** low for NRFU and AR enumeration.
- c. **Negative Impacts:** We can be overstating the number of vacant addresses.

#5 Assign additional delete addresses based on non-UAA information like Address Canvassing, LUCA or others

- a. **Details:** CAES would push adrec delete for certain address canvassing or LUCA action codes that we determine we are comfortable being deletes. This would increase the number of AdRec delete cases (1 attempt).
- b. **Level of Effort:** CAES would modify code to use MAF values to then push our adrec delete codes.
- c. **Negative Impacts:** Any address that is really occupied could be undercounted.

#6 Corroboration for AR Occupied provided by Off Campus person records

- a. **Details:** There is a small number of AR occupied addresses that were not corroborated for multiple sources using current source. Off campus submissions now provided the multiple source requirement for the roster that we already had. This would increase the number of AdRec occupied cases (1 attempt).
- b. **Level of Effort:** CAES implementing matching of college files right now providing a multiple source. For AR modeling, CAES would modify existing code to set corroboration based on off campus information. Can use current roster so should flow easier in to AR enumeration
- c. **Negative Impacts:**

#7 AR Occupied using Off Campus Data

- a. **Details:** Using Off-campus submissions, we would identify additional addresses that could be made AR occupied. One example is where we did not have previous adrec data but off campus can indicate that there are 2 or more people at the address. Additional on-going work could determine other instances where we are comfortable using the roster for enumeration purposes. This would increase the number of AdRec occupied cases (1 attempt).
- b. **Level of Effort:** CAES implementing matching of college files right now providing a multiple source. For AR modeling, CAES would modify existing code to identify these instances. Since these roster people are not in our current processing, AR enumeration would have to be modified to include them.

c. **Negative Impacts:**

[Not feasible] Prefer lower contact attempts in certain areas (based on Adrec and other inputs)

- a. **Details:** This involves identifying blocks that would get more or less attempts based on some data (historical or real time).
- b. **Level of Effort:** Decisions would need to be made about which areas receive N number of visits. FOCS would have to make significant changes.
- c. **Negative Impacts:**

[Not feasible] Close cases based on data gathered during initial attempts

- a. **Details:** See above.
- b. **Level of Effort:** Decisions would need to be made about the criteria used to close cases. FOCS would have to utilize a utility to close these cases.
- c. **Negative Impacts:**

[Not feasible] Remove 2-day hold after first attempt

- a. **Details:** Currently, the 2-day hold is removed after the second attempt. This one is not efficient. FOCS already removes these holds if an area has enumerators available and not enough cases.
- b. **Level of Effort:**
- c. **Negative Impacts:**

o. Use staff in ACOs that have completed to make phone attempts in areas that remain open.

- a. **Details:** As soft launch ACOs and others with high efficiency complete NRFU, staff in those ACOs will be used to conduct phone interviews in other geographies. This would likely happen by moving their location in FOCS so they can receive a case assignment.
- b. **Level of Effort:** Low to none. Enumerators can already be moved between ACOs within a region using existing interface in FOCS (RCC user). If enumerators need to be moved between regions, FOCS admin users can do that as well.
- c. **Negative Impacts:**

p. Deletes identified because they are duplicates (from GEO) possibly close those cases

- a. **Details:** GEO, DSSD Frames staff and Adrec modeling have identified sets of duplicate addresses (~829,000 pairs) that are included on the enumeration list. This information could be used to determine if one of the pair can be deleted.
- b. **Level of Effort:** CAES would need to develop code to push the necessary file/information. This information may need to be combined with response status for the addresses to determine which one to close.
- c. **Negative Impacts:**

q. Non-ID field work

- a. **Details:** The 2020 Adrec Usage team has been researching assigning MAFIDs to addresses and assigning geocodes to MAFIDs. It could be seen if any of this work could identify Non-ID field verification cases that may not require field work.
- b. **Level of Effort:** CAES would need to provide information to necessary systems so these cases could be removed. It would then need to be determined how to get this information to the appropriate post-processing location.

c. **Negative Impacts:**

r. **Reduce Analytic RI Sampling**

- a. **Details:** Modify parameters for case and enumerator level tests to reduce the number of cases sampled.
- b. **Level of effort:** Low, these are parameters in SMarCS that can be modified without further development.
- c. **Negative Impacts:**
 - i. More likely to let poor performing enumerators continue working cases.

Other Items

5. Progress Goals – Now that NRFU is a 7 week operation (49 days), the goals should be updated to reflect that. The initial curve should take into account that areas are not starting according to the plan. Training is being accelerated and training classes aren't as full. Folks are declining work due to COVID-19. Some training sites have cancelled the day-of training. *DCMD NRFU to work with DSSD to get goals to FLD by Monday, 08/03/20.
6. Self response 7th mailing : cut workload now and send to the lowest responding tracts until we run out of packages (get from Alexa how fast that would mean in-home)
7. Additional NRFU options:
 - a. Adding outbound phone options from enumerators
 - b. Review contact strategy:
 - i. go to POP Count only earlier
 - ii. go to proxy earlier
 - iii. reduce/eliminate random RI sample and only use analytical sample
 - c. Implement incentives for enumerator pay (Jamey's plan):
 - Enumerator Pay bonus for meeting minimum "work availability"
 - Purpose is to boost productivity
 - Propose \$100 for exceeding 25 hours/week
 - \$100 is approximately 25% greater than the average wage (19 hours x \$21/hour = \$399)
 - 25 hours per week is just over 30% more hours than the 19 planned hours
 - We would incorporate an assessment of productivity also
 - Expect 250,000 to qualify
 - \$25m/week
 - Increases capacity by 1.5m work hours, or 80,000 more "traditional" enumerators
 - Enumerator Pay bonus for working multiple weeks (could be issued multiple times)
 - Purpose is to promote retention – and boost productivity
 - Propose \$500 for completing 3 weeks of production
 - Would require meeting the \$100 guideline also
 - Expect 150,000 to qualify

- \$75m total cost
 - CFS Pay bonus for working multiple weeks (could be issued multiple times)
 - Purpose is to promote retention
 - Propose \$750 for completing 3 weeks of production (from established start date)
 - Would require “acceptable” alert resolution and minimum number of hours
 - Expect 15,000 CFSs to qualify
 - \$11.5m total cost per week
 - d. Start any office that is scheduled for August 11 as soon as they have trained staff
 - e. Consider starting August 9 versus August 11?
 - f. Changes to case handling:
 - i. Close out AdRec V/D cases that also have one UAA
 - ii. Close out Self-Reported Vacants that are modeled as vacant or have a UAA
 - iii. Close out Self-Reported Vacants after one visit
8. Accelerate GQE, ETL, Count Review, and Late GQE
- a. Go to field for full GQE starting 7/31
 - b. Do Count Review early and get Late GQE done by the end of September
 - c. Crash resources on ETL to shorten the duration
9. Ensure FACO data for overseas count is ready (key input to apportionment)

- Slide 3
 - In 2010, at 50 days into the NRFU operation, the over 97% of occupied units were completed.
- Slide 6
 - In 2017, when we incorporated the Contact Frame for ACS CATI, their "hit" rate was about 80%. My understanding from the NRFU Phoning Tiger Team efforts is that that "hit" rate is now closer to 87%. that just means that they are able to provide at least one number for 87% of the addresses. That's not any indication of the quality of the numbers. Obviously, we learned in the ACS efforts that it didn't have a huge impact on the ability to complete cases, but they update their sources all the time and I'm sure there have been some quality gains since 2017.
- Slide 7
 - Self Reported Vacants
 - I couldn't find any 2010 data on self-reported vacants
 - In 2018, for self-reported vacants:
 - 42.6 percent were confirmed as vacant
 - 16.3 percent were resolved as occupied
 - 13.3 percent were resolved as deletes
 - 27.8 percent weren't resolved in NRFU (self-response received, AdRec Enumerated, Exit POP/Status, and unresolved)
 - Background on RI
 - In 2010, Random was 87% and analytic was 13%. In 2020, the estimate is Random 28% and Analytic is 72%
 - The random RI selection involves selecting a random sample of the eligible cases completed by every Enumerator. This method is used to ensure every Enumerator is selected for RI. Random RI is expected to be about 1.4 percent of the NRFU workload, so probably about that per enumerator. So, enumerator who work more cases would have more selected.
 - Analytic RI sampling selects cases based on statistical calculations and paradata collected in the enumeration device. The analysis looks for enumerators whose work differs from other enumerators in their area. Analytic RI is used to further investigate these enumerators to determine if they are following proper enumeration procedures. Examples of the analytic analyses are interview duration, GPS distances, pop count distributions, valid phone numbers, etc. For example, an enumerator whose interview durations are shorter than other enumerators in their area will have some of those short interview cases selected for reinterview.
 - First, we're proposing to reduce the number of contact attempts for RI cases from 6 to 3. This would apply to all RI cases, both random and analytic. This will increase the productivity rate for enumerators by allowing the RI cases to close out sooner.
 - The second proposal is to eliminate the random RI selection, which would reduce the NRFU workload. Then, the contact attempt reduction would just apply to remaining analytic cases.
 - Reduced Contact for RI and SRQA (from 6 to 3)

- RI cases only got 3 in-field contact attempts in 2018 (preceded by 3 centralized telephone attempts)
 - In 2018, for regular NRFU RI cases (excluding MV RI and FV QC):
 - 9.5 percent were resolved by CQA
 - 21.4 percent were resolved in the field
 - 69.1 percent were unresolved (this is high in part due to the fact that we quit working RI early to focus on completing production)
 - These poor results for RI were the reason we increased to 6 in-field attempts for 2020
 - For FV QC:
 - There were no telephone attempts for FV QC
 - 67.9 percent were resolved in the field
 - 32.1 percent were unresolved
- Eliminate Random RI
 - Need to pull data from 2018
 - In the 2010 NRFU RI:
 - 87 percent of the RI sample was selected via random RI (only 13 percent from analytical sampling)
 - 3 percent of Random RI cases were determined to be fails/suspicious
 - 6 percent of Analytical RI cases were determined to be fails/suspicious
 - In the 2020 NRFU operation, only about 28 percent of the RI sample will be selected via random RI
 - Pop Count Only
 - In 2018, 11 percent of the NRFU workload was resolved as Pop Count Only, but there was no push to get a minimum of Pop Count until at the very end of the operation
 - I wasn't able to find the exact number of Pop Count Only cases from 2010, but only 0.04 percent of the NRFU households were refusals with a valid pop count, so that's probably a decent estimate. So much in 2010 was dependent on the enumerator checking the right JIC box, that it's difficult to really say.

Operational and Processing Options to meet September 30

July 31, 2020

Due to COVID-19 impacts, the conclusion of field operations for the 2020 Census was previously scheduled to end on October 31. In order to meet the statutory date of December 31, 2020 for apportionment, field operations must now conclude no later than September 30, 2020. Accelerating the schedule by 30 days introduces significant risk to the accuracy of the census data. In order to achieve an acceptable level of accuracy, atleast 99% of Housing Units in every state must be resolved.

Nonresponse Followup Operational Options

Option	Potential Benefits	Potential efficiency gain / applicable costs to implement
<p>1. Early Start of NRFU operations early everywhere nationwide on 8/9 instead of 8/11</p> <p>Cycle 2 Early Starts (7/30 Scheduled):</p> <ul style="list-style-type: none"> • 1 – 7/26 • 1 – 7/27 • 3 – 7/28 • 12 – 7/29 • 18 – 7/30 <p>Cycle 3 (8/6 Scheduled) and Production Early Starts (8/11 Scheduled):</p> <ul style="list-style-type: none"> • 15 – 7/31 • 28 – 8/3 • 36 – 8/4 • 6 – 8/5 • 4 – 8/6 • 3 – 8/7 • 7 – 8/9 	<p>Begins data collection in advance of scheduled start date, allowing more production days.</p>	<p>There are currently 50 days in the production schedule for NRFU. Each additional day of production expands the capacity by 2%.</p>

<p>2. Implement Enumerator Pay bonus for meeting minimum “work availability” : Propose \$100 for exceeding 25 hours/week</p> <ul style="list-style-type: none"> • \$100 is approximately 25% greater than the average wage (19 hours x \$21/hour = \$399) • 25 hours per week is just over 30% more hours than the 19 planned hours • We would incorporate an assessment of productivity also 	<p>Purpose is to boost productivity</p>	<p>Expect 250,000 to qualify Cost = \$25m/week Increases capacity by 1.5m work hours, or 80,000 more “traditional” enumerators</p>
<p>3. Implement Enumerator Pay bonus for working multiple weeks (could be issued multiple times) : Propose \$500 for completing 3 weeks of production</p> <ul style="list-style-type: none"> • Would require meeting the \$100 guideline in item #1 as well 	<p>Purpose is to promote retention – and boost productivity</p>	<p>Expect 150,000 to qualify \$75m total cost</p>
<p>4. Implement CFS Pay bonus for working multiple weeks (could be issued multiple times)</p> <ul style="list-style-type: none"> • Propose \$750 for completing 3 weeks of production (from established start date) • Would require ‘acceptable’ minimum of 32 hours per week 	<p>Purpose is to promote retention</p>	<p>Expect 15,000 CFSs to qualify \$11.5m total cost per week</p>
<p>5. Continue NRFU Replacement Training</p>	<p>Expand use of replacement training to address turnover. Target making full use of iPhones for data collection.</p>	<p>Expect to conduct replacement training for a total of 135K Enums due to attrition. (Just over 11,000 training sessions) \$90m total training cost.</p>

<p>6. Continue NRFU Increased Upfront Hiring / Expanded Fingerprinting Capacity / Expanded Recruiting</p>	<p>Overhiring ensures Day 1 training classes are full, lessening the impact of dropout during training on production. Will expand availability of fingerprint locations to accommodate additional staff needed and will increase advertising to recruit applicants in targeted areas.</p>	<p>Overselection rates will address higher-than-expected no-show rates of 35%, bringing us closer to our target initial staffing levels.</p>
<p>7. Expand the use of NRFU Travel Teams</p>	<p>As areas complete, send teams of experienced data collection staff to areas that are understaffed to complete work.</p>	<p>Using experienced staff minimizes the need to train new staff – particularly in areas where new staff are not available.</p>
<p>8. Implement outbound phone calling to conduct interviews</p> <ul style="list-style-type: none"> • Use telephone numbers from ERD Contact Frame • Could be used by enumerators in ACOs that are finishing up to help out in other ACOs 	<p>Provides potentially a more efficient way to close cases since there is no travel time</p>	<p>Close cases in COVID areas</p>
<p>9. Adjust NRFU contact strategy : Close out self-reported vacants that are also AdRec modeled as Vacant</p>	<p>Provides alternative to reduce the NRFU workload.</p>	<p>Reduce workload by 140k cases</p>
<p>10. Adjust NRFU contact strategy : Reduce contact attempts for self-reported Vacants from 6 to 1. Perhaps we can keep the case active if the first visit indicates the unit is occupied (like we do for AdRec Vacants/Deletes)</p>	<p>Provides alternative to reduce the NRFU workload.</p>	<p>Increase enumerator productivity rate by 0.06.</p>
<p>11. Implement additional AdRec options : Use new AdRec sources to corroborate IRS data (e.g., off-campus student data, BlackKnight, etc.)</p>	<p>Provides alternative to reduce the NRFU workload.</p>	<p>Number of cases and benefits TBD.</p>

12. Implement additional AdRec options : Determine if we can use IRS-only (no corroborating sources) for “pop count only” cases	Provides alternative to reduce the NRFU workload.	Reduce attempts from 6 to 1 for estimated 3.8 million cases , contingent on IRS approval, increasing enumerator productivity rate by 0.13.
13. Implement additional AdRec options : Close out cases that are modeled as both AdRec Vacant and AdRec Delete as Vacant (these cases currently are made No Determination since modeling isn’t sure if they’re vacant or delete)	Provides alternative to reduce the NRFU workload.	Reduce attempts from 6 to 1 for 1.9 million cases, increasing enumerator productivity rate by 0.06.
14. Adjust NRFU contact strategy : Reduce contact attempts for RI and SRQA cases from 6 to 3	Provides alternative to reduce the NRFU workload.	Reduce attempts from 6 to 3 for 1.9 million cases, increasing enumerator productivity rate by 0.10.
15. Adjust NRFU contact strategy : Eliminate Random RI, and depend only on analytic sampling	Use analytical sampling to identify falsification	Reduce NRFU workload by 800k cases
16. Implement additional AdRec options : Use other Census operational/processing results to pull Deletes and Duplicates from the workload (e.g., AdCan, LUCA, GEO processing, etc.)	Risky, involves new sources merging into systems	Reduce attempts from 6 to 1 for 300k cases
17. Implement additional AdRec options : Use off-campus student data to identify additional AdRec Occupied cases	Risky, involves new process including system changes	Reduce attempts from 6 to 1 for 3,000 cases
18. Implement additional AdRec options : Implement AdRec modeling for American Indian Reservations (per Tom’s presentation last week)		Reduce attempts from 6 to 1 for 30k cases

19. Adjust NRFU contact strategy : Make cases proxy-eligible after the first attempt instead of the third		
20. Adjust NRFU contact strategy :Make “pop count only” sufficient earlier in the operation -- at any time or during Phase 2		

Backend Processing Options

This plan presents a revised, highly compressed schedule for 2020 Census data processing. This plan introduces a series of design changes to increase the likelihood of delivering apportionment counts by 12/31/20. It is based on two critical assumptions:

1. Post processing must start by **10/1/2020**, which means all Self Response and FLD collection activities close out, and data are reconciled and loaded into our processing systems by that date.
2. Post-processing work activities in this plan are limited to those required to produce apportionment counts, with an understanding that redistricting data products and other non-statutory data products will be taken up later.

All of the changes below, taken together, reduce the time required for processing such that, when combined with the operational changes above in this document, make it possible to deliver the apportionment package in time to meet the current statutory deadline. All of these activities represent abbreviated processes or eliminated activities that will reduce the accuracy of the 2020 Census. Additionally, the downstream effect of separating apportionment and redistricting processing activities could not be assessed, but we anticipate it will, at a minimum, reduce the efficiency in data processing and could further reduce the accuracy of the redistricting data if there is a similar requirement to deliver that data by the current statutory deadline of April 30, 2021.

Option Impacts and Risks

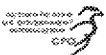
1) Finish Group Quarters Enumeration (GQE) by 8/28/20	No significant impact (GQE production scheduled to end on 8/26, but Quality Check (QC) goes to 9/3, so this will require that we suspend QC results received after 8/28.
2) Adding or deleting any new addresses for the purposes of updating the Mater Address File will stop by 9/4/20 . This means that address updates from Field Verification(FV), NRFU, Manual non-ID coding and Office Based Address Validation (OBAV) after 9/4 will not be applied to the MAF.	System change risk – need to determine whether NRFU will have to shut off the add capability in the ENUM instrument (on the handheld device), or if we just suspend processing on the back-end. We do not anticipate that the resulting number of updates not included will be highly significant. However, there is a risk of imputing population to remaining <u>deleted</u> addresses that we were not able to verify in NRFU.
3) Eliminate the Decennial Statistical Studies Division (DSSD) review of the MAF extract.	Risk of missing and therefore propagating errors. However, extensive QC is conducted by GEO and DITD throughout creation of the geographic products. DSSD will review using different mechanisms. We will also be delivering a SAS dataset for review just at a later scheduled date that doesn't impact apportionment.
4) Move the Final Collection MAF Extract delivery date from the Geography Division (GEO) to the Decennial Information Technology Division (DITD) to 10/14/20	Streamline geographic processing activities (locking on 9/25, and MAFX delivery on 10/14) reduces a 35-day processing duration to 19 days. We have determined an approach to complete activities for apportionment only, separating and postponing the redistricting activities. As stated above, there is the risk of unknown impact these changes may have on redistricting data products.

(GEO processes lock on 9/25/20).	
5) Cancel Count Review Event 2 and late Group Quarters Enumeration (GQE) operations	State demographer review of GQ data will be cancelled. The Demographic and Decennial staffs will work together to develop the message and communicate it to the FSCPE/states. The risk is virtually certain vocal objections from the Federal State Cooperative for Population Estimates (FSCPE) State Demographers and the State Governors they serve.
6) Create a separate processing stream for the Enumeration of Transitory Locations (ETL) and Service Based Enumeration (SBE) operations that follows the Federally Affiliated Count Overseas (FACO) processing approach. This will enable adding ETL and SBE population counts state-by-state significantly later in the CUF production process.	<p>This file needs to be delivered to POP by the time the Census Unedited File (CUF – the basis for the apportionment delivery) review is scheduled to be complete – by December 18. Additionally, ETL permits the reporting of a Usual Home Elsewhere (UHE), which will not be able to be processed with this new approach.</p> <p>The CUF will have to be re-run prior to the processing of the Census Edited File (CEF) in order to add in the SBE/ETL population for the Public Law 94-171/Redistricting file. The Apportionment Team will need to change its processing plans and conduct testing to ensure the proper integration of ETL/SBE state counts.</p>
7) Deliver MAF ID State Change File (MISC) file 12/6/20	This file needs to be delivered to POP by the time the CUF review is scheduled to be complete – no later than December 18. This will permit the proper tabulation of addresses that move across state boundaries between collection geography and tabulation geography (likely to be very few - less than 200 in the 2010 Census).
8) Compress POP division and DSSD review and processing times	A compressed review period creates risk for serious errors not being discovered in the data - thereby significantly decreasing data quality. Additionally, serious errors discovered in the data may not be fixed – due to lack of time to research and understand the root cause or to re-run and re-review one or multiple state files.
9) DSSD Start nationwide matching earlier (suggest 9/1/2020)	Person data received after 9/1 will not be eligible to be resolved using nationwide matching procedures.
10) Compress time for creating/verifying apportionment data and preparation of transmittal package for DOC. Note that the Apportionment Team's work will have to be coordinated with the Census Bureau Team working to address the presidential memo.	A compressed review period creates risk for errors being present in the data. It is unclear how the Apportionment Team and the Team working to address the presidential memo are going to coordinate for the preparation of the apportionment transmittal package – which will contain the official delivery of data to the Secretary and to the President.

Operational Options to meet September 30 All Other Data Collection Operations (Background only)

- Keep SBE (Sept 22-24) and ETL (Sept 3 – Sept 28) as scheduled
- Working assumption, Once the backlog is gone, PDCCs can turn around daily paperdeliveries in about 24-48 hours
- Self response 7th mailing : cut workload now and send to the lowest responding tracts until we run out of packages
 - Cut workload on 8/10/2020
 - Mailout 8/21/2020 – 9/15/2020
- Accelerate GQE
 - Go to field for full GQE starting 7/31/2020
 - Complete production work by 8/26/2020
- Cancel Count Review and Late GQE
- Conduct ETL and SBE on time, but deliver apportionment data separately
 - Develop separate apportionment file for ETL and SBE (similar to what is done for FACO)
 - File would be delivered to POP at the time the CUF is delivered (12/18/2020)
 - Counts from ETL/SBE would be added state by state for apportionment
- Ensure FACO data for overseas count is ready (key input to apportionment)

Sent: 4/29/2020 9:41:50 AM
Subject: FW: CUI//PRIV Administrative Record
Attachments: Administrative Record with Bates Numbering.pdf

**DEPARTMENT OF COMMERCE****Bureau of the Census****[Docket Number 150409353-5353-01]****2020 Decennial Census Residence Rule and Residence Situations****AGENCY:** Bureau of the Census, Department of Commerce.**ACTION:** Notice and Request for Comment.

SUMMARY: The Bureau of the Census (U.S. Census Bureau) requests public comment on the 2010 Census Residence Rule and Residence Situations. The Residence Rule is applied to living situations to determine where people should be counted during the decennial Census. Specific Residence Situations have been included with the Residence Rule to illustrate how the Rule is applied. The Census Bureau is currently reviewing the 2010 Residence Rule and Residence Situations, to determine if changes should be made to the Rule and/or if the situations should be updated for the 2020 Census. The Census Bureau anticipates publishing the final 2020 Census Residence Rule and Residence Situations in late 2017.

DATES: To ensure consideration during the decision-making process, comments must be received by July 20, 2015. The Census Bureau anticipates publishing a summary of comments received in response to this Federal Register notice in late 2015. The Census Bureau will then publish the final 2020 Census Residence Rule and Residence Situations in late 2017.

ADDRESSES: Direct all written comments regarding the 2010 Census Residence Rule and Residence Situations to Karen Humes, Chief, Population Division, U.S. Census Bureau, Room 5H174, Washington, DC 20233; or Email [POP.2020.Residence.Rule@census.gov].

FOR FURTHER INFORMATION CONTACT: Population and Housing Programs Branch, U.S. Census Bureau, 6H185, Washington, DC 20233, telephone (301) 763-2381; or Email [POP.2020.Residence.Rule@census.gov].

SUPPLEMENTARY INFORMATION:**A. Background**

The Census Bureau is committed to counting every person in the 2020 Census. Just as important, however, is the Census Bureau's commitment to counting every person in the correct place. The fundamental reason that the decennial census is conducted is to fulfill the Constitutional requirement (Article I, Section 2) to apportion the seats in the U.S. House of

Representatives among the states. Thus, for a fair and equitable apportionment, it is crucial that people are counted in the right place during the 2020 Census.

The Census Act of 1790 established the concept of "usual residence" as the main principle in determining where people are to be counted. This concept has been followed in all subsequent censuses. Usual residence has been defined as the place where a person lives and sleeps most of the time. This place is not necessarily the same as the person's voting residence or legal residence.

Every decade the Census Bureau undertakes a review of the decennial residence rule guidance to ensure that the concept of usual residence is interpreted and applied in the decennial census as intended, and that these interpretations are in keeping with the intent of law, which directs the Census Bureau to enumerate people at their usual residence. This review also serves as an opportunity to identify new or changing living situations resulting from societal change, and create or revise the residence rule guidance where those situations are concerned.

Determining usual residence is straightforward for most people. However, given our Nation's wide diversity in types of living arrangements, the usual residence for some people is not as apparent. A few examples are people experiencing homelessness, people with a seasonal/second residence, people in prisons, people in the process of moving, people in hospitals, children in shared custody arrangements, college students, live-in employees, military personnel, and people who live in workers' dormitories. For these "residence situations," the Census Bureau has provided guidance on how to interpret the usual residence concept to determine where to count those people.

The Census Bureau is requesting public comment on the 2010 Residence Rule (section "B") and on the 2010 Residence Situations (section "B," numbers 1-21, including all subparagraphs under each numbered section) to determine if changes should be made to the Rule and/or if the situations should be updated for the 2020 Census. The 2010 Residence Rule and Residence Situations are described in the next sections of this Federal Register notice.

B. The Residence Rule and Residence Situations for the 2010 Census of the United States

The Residence Rule was used to determine where people should be

counted during the 2010 Census. The Rule said:

- Count people at their usual residence, which is the place where they live and sleep most of the time.
- People in certain types of facilities or shelters (i.e., places where groups of people live together) on Census Day should be counted at the facility or shelter.
- People who do not have a usual residence, or cannot determine a usual residence, should be counted where they are on Census Day.

The following sections describe how the Residence Rule applied for people in various living situations.

1. People Away From Their Usual Residence on Census Day

a) People away from their usual residence on Thursday, April 1, 2010 (Census Day), such as on a vacation or a business trip, visiting, traveling outside the U.S., or working elsewhere without a usual residence there (for example, as a truck driver or traveling salesperson)—Counted at the residence where they live and sleep most of the time.

2. Visitors on Census Day

a) Visitors on Thursday, April 1, 2010 (Census Day), who will return to their usual residence—Counted at the residence where they live and sleep most of the time.

b) Citizens of foreign countries who are visiting the U.S. on Thursday, April 1, 2010 (Census Day), such as on a vacation or a business trip—Not counted in the census.

3. People Who Live in More Than One Place

(a) People living away most of the time while working, such as people who live at a residence close to where they work and return regularly to another residence—Counted at the residence where they live and sleep most of the time. If there is no residence where they live and sleep more than anywhere else. If time is equally divided, or if usual residence cannot be determined, they are counted at the residence where they are staying on Thursday, April 1, 2010 (Census Day).

(b) People who live at two or more residences (during the week, month, or year), such as people who travel seasonally between residences (for example, snowbirds)—Counted at the residence where they live and sleep most of the time. If there is no residence where they live and sleep most of the time, they are counted where they live and sleep more than anywhere else. If

time is equally divided, or if usual residence cannot be determined, they are counted at the residence where they are staying on Thursday, April 1, 2010 (Census Day).

(c) *Children in shared custody or other arrangements who live at more than one residence*—Counted at the residence where they live and sleep most of the time. If time is equally divided, they are counted at the residence where they are staying on Thursday, April 1, 2010 (Census Day).

4. People Without a Usual Residence

(a) *People who cannot determine a usual residence*—Counted where they are staying on Thursday, April 1, 2010 (Census Day).

(b) *People at soup kitchens and regularly scheduled mobile food vans*—Counted at the residence where they live and sleep most of the time. If they do not have a place they live and sleep most of the time, they are counted at the soup kitchen or mobile food van location where they are on Thursday, April 1, 2010 (Census Day).

(c) *People at targeted non-sheltered outdoor locations*—Counted at the outdoor location where people experiencing homelessness stay without paying.

5. Students

(a) *Boarding school students living away from their parental home while attending boarding school below the college level, including Bureau of Indian Affairs boarding schools*—Counted at their parental home rather than at the boarding school.

(b) *College students living at their parental home while attending college*—Counted at their parental home.

(c) *College students living away from their parental home while attending college in the U.S. (living either on-campus or off-campus)*—Counted at the on-campus or off-campus residence where they live and sleep most of the time.

(d) *College students living away from their parental home while attending college in the U.S. (living either on-campus or off-campus) but staying at their parental home while on break or vacation*—Counted at the on-campus or off-campus residence where they live and sleep most of the time.

(e) *U.S. college students living outside the U.S. while attending college outside the U.S.*—Not counted in the census.

(f) *Foreign students living in the U.S. while attending college in the U.S. (living either on-campus or off-campus)*—Counted at the on-campus or off-campus residence where they live and sleep most of the time.

6. Movers on Census Day

(a) *People who move into a residence on Thursday, April 1, 2010 (Census Day), who have not been listed on a questionnaire for any residence*—Counted at the residence they move into on Census Day.

(b) *People who move out of a residence on Thursday, April 1, 2010 (Census Day), and have not moved into a new residence on Thursday, April 1, 2010, and who have not been listed on a questionnaire for any residence*—Counted at the residence from which they moved.

(c) *People who move out of a residence or move into a residence on Thursday, April 1, 2010 (Census Day), who have already been listed on a questionnaire for any residence*—If they have already been listed on one questionnaire, do not list them on any other questionnaire.

7. People Who Are Born or Die on Census Day

(a) *Babies born on or before 11:59:59 p.m. on Thursday, April 1, 2010 (Census Day)*—Counted at the residence where they will live and sleep most of the time, even if they are still in the hospital on April 1, 2010 (Census Day).

(b) *Babies born after 11:59:59 p.m. on Thursday, April 1, 2010 (Census Day)*—Not counted in the census.

(c) *People who die before Thursday, April 1, 2010 (Census Day)*—Not counted in the census.

(d) *People who die on Thursday, April 1, 2010 (Census Day)*—Counted in the census if they are alive at any time on April 1, 2010.

8. Nonrelatives of the Householder

(a) *Roomers or boarders*—Counted at the residence where they live and sleep most of the time.

(b) *Housemates or roommates*—Counted at the residence where they live and sleep most of the time.

(c) *Unmarried partners*—Counted at the residence where they live and sleep most of the time.

(d) *Foster children or foster adults*—Counted at the residence where they live and sleep most of the time.

(e) *Live-in employees, such as caregivers or domestic workers*—Counted at the residence where they live and sleep most of the time.

9. U.S. Military Personnel

(a) *U.S. military personnel living in military barracks in the U.S.*—Counted at the military barracks.

(b) *U.S. military personnel living in the U.S. (living either on base or off base) but not in barracks*—Counted at

the residence where they live and sleep most of the time.

(c) *U.S. military personnel on U.S. military vessels with a U.S. homeport*—Counted at the onshore U.S. residence where they live and sleep most of the time. If they have no onshore U.S. residence, they are counted at their vessel's homeport.

(d) *People in military disciplinary barracks and jails in the U.S.*—Counted at the facility.

(e) *People in military treatment facilities with assigned active duty patients in the U.S.*—Counted at the facility if they are assigned there.

(f) *U.S. military personnel living on or off a military installation outside the U.S., including dependents living with them*—Counted as part of the U.S. overseas population. They should not be included on any U.S. census questionnaire.

(g) *U.S. military personnel on U.S. military vessels with a homeport outside the U.S.*—Counted as part of the U.S. overseas population. They should not be included on any U.S. census questionnaire.

10. Merchant Marine Personnel on U.S. Flag Maritime/Merchant Vessels

(a) *Crews of U.S. flag maritime/merchant vessels docked in a U.S. port or sailing from one U.S. port to another U.S. port on Thursday, April 1, 2010 (Census Day)*—Counted at the onshore U.S. residence where they live and sleep most of the time. If they have no onshore U.S. residence, they are counted at their vessel. If the vessel is docked in a U.S. port, crew members with no onshore U.S. residence are counted at the port. If the vessel is sailing from one U.S. port to another U.S. port, crew members with no onshore U.S. residence are counted at the port of departure.

(b) *Crews of U.S. flag maritime/merchant vessels engaged in U.S. inland waterway transportation on Thursday, April 1, 2010 (Census Day)*—Counted at the onshore residence where they live and sleep most of the time.

(c) *Crews of U.S. flag maritime/merchant vessels docked in a foreign port, sailing from one foreign port to another foreign port, sailing from a U.S. port to a foreign port, or sailing from a foreign port to a U.S. port on Thursday, April 1, 2010 (Census Day)*—Not counted in the census.

11. Foreign Citizens in the U.S.

(a) *Citizens of foreign countries living in the U.S.*—Counted at the U.S. residence where they live and sleep most of the time.

(b) *Citizens of foreign countries living in the U.S. who are members of the diplomatic community*—Counted at the embassy, consulate, United Nations' facility, or other residences where diplomats live.

(c) *Citizens of foreign countries visiting the U.S., such as on a vacation or business trip*—Not counted in the census.

12. U.S. Citizens and Their Dependents Living Outside the U.S.

(a) *U.S. citizens living outside the U.S. who are employed as civilians by the U.S. Government, including dependents living with them*—Counted as part of the U.S. overseas population. They should not be included on any U.S. census questionnaire.

(b) *U.S. citizens living outside the U.S. who are not employed by the U.S. Government, including dependents living with them*—Not counted in the census.

(c) *U.S. military personnel living on or off a military installation outside the U.S., including dependents living with them*—Counted as part of the U.S. overseas population. They should not be included on any U.S. census questionnaire.

(d) *U.S. military personnel on U.S. military vessels with a homeport outside the U.S.*—Counted as part of the U.S. overseas population. They should not be included on any U.S. census questionnaire.

13. People in Correctional Facilities for Adults

(a) *People in correctional residential facilities on Thursday, April 1, 2010 (Census Day)*—Counted at the facility.

(b) *People in federal detention centers on Thursday, April 1, 2010 (Census Day)*—Counted at the facility.

(c) *People in federal and state prisons on Thursday, April 1, 2010 (Census Day)*—Counted at the facility.

(d) *People in local jails and other municipal confinement facilities on Thursday, April 1, 2010 (Census Day)*—Counted at the facility.

14. People in Group Homes and Residential Treatment Centers for Adults

(a) *People in group homes intended for adults (non-correctional)*—Counted at the facility.

(b) *People in residential treatment centers for adults (non-correctional)*—Counted at the residence where they live and sleep most of the time. If they do not have a residence where they live and sleep most of the time, they are counted at the facility.

15. People in Health Care Facilities

(a) *Patients in general or Veterans Affairs hospitals (except psychiatric units) on Thursday, April 1, 2010 (Census Day), including newborn babies still in the hospital on Census Day*—Counted at the residence where they live and sleep most of the time. Newborn babies should be counted at the residence where they will live and sleep most of the time.

(b) *People in hospitals on Thursday, April 1, 2010 (Census Day), who have no usual home elsewhere*—Counted at the facility.

(c) *People staying in in-patient hospice facilities on Thursday, April 1, 2010 (Census Day)*—Counted at the residence where they live and sleep most of the time. If they do not have a residence where they live and sleep most of the time, they are counted at the facility.

(d) *People in mental (psychiatric) hospitals and psychiatric units for long-term non-acute care in other hospitals on Thursday, April 1, 2010 (Census Day)*—Counted at the facility.

(e) *People in nursing facilities/skilled nursing facilities on Thursday, April 1, 2010 (Census Day)*—Counted at the facility.

16. People in Juvenile Facilities

(a) *People in correctional facilities intended for juveniles on Thursday, April 1, 2010 (Census Day)*—Counted at the facility.

(b) *People in group homes for juveniles (non-correctional) on Thursday, April 1, 2010 (Census Day)*—Counted at the facility.

(c) *People in residential treatment centers for juveniles (non-correctional) on Thursday, April 1, 2010 (Census Day)*—Counted at the facility.

17. People in Residential School-Related Facilities

(a) *People in college/university student housing*—Counted at the college/university student housing.

(b) *Boarding school students living away from their parental home while attending boarding school below the college level, including Bureau of Indian Affairs boarding schools*—Counted at their parental home rather than at the boarding school.

(c) *People in residential schools for people with disabilities on Thursday, April 1, 2010 (Census Day)*—Counted at the school.

18. People in Shelters

(a) *People in emergency and transitional shelters (with sleeping facilities) on Thursday, April 1, 2010*

(Census Day), for people experiencing homelessness

—Counted at the shelter.

(b) *People in living quarters for victims of natural disasters*—Counted at the residence where they live and sleep most of the time. If they do not have a residence where they live and sleep most of the time, they are counted at the facility.

(c) *People in domestic violence shelters on Thursday, April 1, 2010 (Census Day)*—Counted at the shelter.

19. People in Transitory Locations

(a) *People at transitory locations such as recreational vehicle (RV) parks, campgrounds, hotels and motels (including those on military sites), hostels, marinas, racetracks, circuses, or carnivals*—Counted at the residence where they live and sleep most of the time. If there is no residence where they live and sleep most of the time, they are counted where they live and sleep more than anywhere else. If time is equally divided, or if usual residence cannot be determined, they are counted at the place where they are staying on Thursday, April 1, 2010 (Census Day).

20. People in Religious-Related Residential Facilities

(a) *People in religious group quarters such as convents and monasteries*—Counted at the residence where they live and sleep most of the time. If they do not have a residence where they live and sleep most of the time, they are counted at the facility.

21. People in Workers' Residential Facilities

(a) *People in workers' group living quarters and Job Corps Centers*—Counted at the residence where they live and sleep most of the time. If they do not have a residence where they live and sleep most of the time, they are counted at the facility.

Dated: May 13, 2015.

John H. Thompson,

Director, Bureau of the Census.

[FR Doc. 2015-12118 Filed 5-19-15; 8:45 am]

BILLING CODE 3510-07-P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Full-Text Log of Comment Submissions to "2020 Decennial Census Residence Rule and Residence Situations; Notice and Request for Comment," 80 Federal Register 28950 (May 20, 2015)

Comment Submission #	Full Text of Comment Submission
c1	<p>I was chairman of the last Redistricting Committee here in _____ County, a rural county in _____ and I am disappointed that we ended up with severe malapportionment because the Census Bureau counted inmates in a prison in the county as if they were residents of that neighborhood. I am now a County Commissioner and I am working very hard to correct this problem for my county, but I also know we are just one of many counties that are similarly affected.</p> <p>Thank you for the opportunity to comment on the Census Bureau’s Residence Rule and Residence Situations, especially to address where prisoners should be counted. I am writing you to share our experience of using the Census’ data for redistricting and to urge you to count incarcerated people at their home address so that counties like mine can achieve fair representation.</p> <p>As a county in _____, we are basically faced with a classic ‘Catch 22.’</p> <p>Our goal was to follow the Constitution and give equal representation to all the citizens of our County. _____, however, told us that we had to count the prison population in our count when we did our redistricting because that is what the Census showed, even though that runs counter to the state’s residence law. I realize that the Census’ definition of residence is unlikely to perfectly track the 50 state’s definitions, but let me walk you through the _____ residence law (as described by the Secretary of State’s “Guidelines for Determining Residency”) to explain why the current interpretation of the Census Residence Rule and Residence Situations fails to count people where they live:</p> <p>“1. The residence of a person is the place where the person’s habitation is fixed and is where, during periods of absence, the person definitely intends to return.”</p> <p>Now, while I’m sure that a few of our guests at the gray bar hotel will return, (recidivism is a terrible problem in this country), I can pretty much guarantee that there isn’t any one of them that “definitely intends to return.” after they get out.</p> <p>“3. A change of residence is made not only by relocation, but also by intent to remain in the new location permanently, and by demonstrating actions consistent with that intention.”</p> <p>These men have no intention of staying in our fair county one second longer than they have to. If not for the barbed wire and armed guards that place would empty out faster than the county courthouse at quitting time on a Friday afternoon.</p> <p>These men all come from outside our county. Upon release they immediately leave our county. They are not buying homes, raising families and putting down roots here. They came here, quite simply because they were forced to at gunpoint and they stay here only because of walls, wire and armed guards.</p> <p>The 2010 Census put the population of _____ County at approximately 22,000. The inmates at the _____ County Correctional Facility number approximately 2,400. When we break the county up into 6 districts, that puts 3,667 people in each district. But whichever district gets the prison block will only have 1,267 actual residents in it and 2,400 prisoners. That adds a lot of weight to the votes cast in</p>

	<p>that district.</p> <p>To be exact, we end up with the residents of one of our districts having 3 times the representation of the residents in the rest of the county.</p> <p>And the problem has only gotten worse. Previously we had 2 prisons in our county. But one prison was shut down and the other facility was expanded to take in the inmates of the closed unit as well as additional prisoners. This resulted in just one census block containing 10% of our county’s population, not one of whom is allowed to vote and not one of whom even considers themselves to be a resident of _____ County.</p> <p>It is impossible to count population bloc like that in our county electoral system and still achieve equal representation among the citizens of this county.</p> <p>In Reynolds v. Sims the U.S. Supreme Court said “The weight of a citizen’s vote cannot be made to depend on where he lives.” Yet that is exactly what we are forced to do because of the Census. We’re left with a 3 to 1 disparity in the representation of the residents in the district with the prison over the residents in other _____ County districts.</p> <p>As a County commissioner here in _____ County I am asking you to please help us correct this problem and get back to the “One Man, One Vote” ideal. Please help us to achieve fair and equal representation to all the citizens of our county, and those across this great nation by revising the Residence Rule or Residence Situations to count incarcerated people at home in the Census.</p>
c2	<p>I would like to comment on Federal Register Notice: 80 FR 28950, 2020 Decennial Census Residence Rule and Residence Situations</p> <p>My comments are related to situation 13: People in Correctional Facilities for Adults</p> <ul style="list-style-type: none"> - Many people in local jails are not sentenced (61% is a number mentioned in a report on New York local jails – outside New York city, see http://www.criminaljustice.ny.gov/crimnet/ojsa/jail_pop_y.pdf). Many of these inmates are probably also included on a household questionnaire, especially when the questionnaire was returned before Census Day as they didn’t anticipate being in jail that day. With the presumption of innocence, many innocent people are counted in correctional facilities and I would encourage the Census Bureau to consider counting unsentenced people at their usual place of residence and not in the jail. - Furthermore, I encourage to include a time stamp in the descriptions, for example 6AM and further include all people that are in transit to (or from) that location at that time. People can spend only part of Census day in certain location and be released or be on transit between facilities. <p>A comment not directly related to the residence rules:</p> <ul style="list-style-type: none"> - I would like to see more federal register notices like this that relate to the Decennial Census counting and publication rules. In particular I can think of <ul style="list-style-type: none"> o classification of Group Quarters o classification of vacancy status o definition of households and families, especially for situations with same-sex and unmarried partners.
c3	<p>The Lionheart Foundation submits this comment in response to the Census Bureau’s federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). I urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p>

	<p>The Lionheart Foundation works with thousands of prisoners throughout the United States. Also, I personally live in an urban community where many of the men and women in the community are incarcerated in small towns far from their homes. By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated this population that is disproportionately male, urban, and African-American or Latino into into just 5,393 Census blocks that are located far from the actual homes.</p> <p>In fairness to all citizens and to preserve the democracy, the growth in the prison population requires the Census to update its methodology to count people where their true home is situated. The manner in which this population is counted now has huge implications for the accuracy of the Census.</p> <p>Currently, four states (California, Delaware, Maryland, and New York) are taking a state-wide approach to adjust the Census' population totals to count incarcerated people at home, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts.</p> <p>But this ad hoc approach is neither efficient nor universality implementable. The Massachusetts legislature, for example, concluded that the state constitution did not allow it to pass similar legislation, so it sent the Bureau a resolution in 2014 urging the Bureau to tabulate incarcerated persons at their home addresses. <i>See</i> The Massachusetts General Court Resolution "Urging the Census Bureau to Provide Redistricting Data that Counts Prisoners in a Manner Consistent with the Principles of 'One Person, One Vote'" (Adopted by the Senate on July 31, 2014 and the House of Representatives on August 14, 2014).</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because The Lionheart Foundation believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home address.</p>
c4	<p>I write in regards to the Census Bureau's Notice and Request for Comment on the 2020 Decennial Census Residence Rule and Residence Situations (Docket No: 150409353-5353-01) published in the Federal Register on May 20, 2015, to determine if changes and updates are needed in advance of the 2020 Census. My office has heard from constituents regarding the impacts of Residence Rule No. 9, U.S. Military Personnel, and the need for modification.</p> <p>In advance of the 2020 Census, the Census Bureau should create a distinction between service members and their families stationed overseas at a U.S. military base and those service members temporarily deployed for contingency operations.</p> <p>The results of the 2010 Census displayed an anomaly that misrepresents the counting of deployed service members for overseas contingency operations. These service members, despite not having a change in their permanent duty station, and who return to their duty station upon completion of their deployment, were counted in accordance with Rule 9(f):</p> <p style="padding-left: 40px;">(f) U.S. military personnel living on or off a military installation outside of the U.S. including dependents living with them – Count as part of the U.S. overseas population. They should not be included on any U.S. census questionnaire</p> <p>The Census Bureau attributes U.S. overseas population to the state on an individual's home-of-record. This practice may work well for members of the Department of State or other government agencies operating outside of the United States, but the Department of Defense fails to properly, and accurately, maintain their records. According to the "2010 Census Federally Affiliated Overseas Count Operation Assessment Report," dated March 19, 2012, "only 59 percent of the 2010 Department of Defense Records contained a home of record."</p>

As a result of using inaccurate and missing records for the tabulation of deployed service members, the surrounding military communities, which support the families of those service members, were calculated to have a lower population than what should be attributed to the community.

My constituents that reside in the region around Fort Campbell, Kentucky, experienced this first-hand following the 2010 census. Despite record home sales, increased public school enrollment, and other economic indicators supporting population growth, the population remained relatively unchanged from the 2000 Census. The only explanation for the discrepancy is the deployment of service members from Fort Campbell to Afghanistan.

Starting in late 2009 and continuing through 2010, members of the 1st, 2nd, 3rd, and 4th Brigade Combat teams of the 101st, the 101st Sustainment Brigade, the 159th and 101st Combat Aviation brigades were all deployed to sustain the military “surge” in Afghanistan. It is estimated that at least 10,000 service members were deployed at the collection time of the 2010 Census. Those service members then returned to Fort Campbell at the end of their deployment.

I request that the Census Bureau count all deployed service members at the base or port in which they were stationed prior to a short-term deployment for overseas contingency operations. This will create one consistent and logical method for counting deployed service members. By counting deployed service members according to where they actually live, the Bureau more accurately reports the population and ensures communities have the needed resources to support these soldiers and their families.

As you consider the need to update residency rules for the 2020 Census, I ask that you continue to keep in mind the impacts of inaction that could severely hinder the support efforts of communities that provide for our deployed military service members and their families.

Thank you for your time and thoughtful consideration.

c5 I am writing in opposition to the proposed Census Prison Adjustments. Current provisions state that all people in correctional facilities for adults will be counted at the facility. The proposed adjustments will alter this; people in correctional facilities will instead be counted at their previous “usual residence.” I firmly believe that the residency rules agreed to in the 2010 Decennial Census, wherein incarcerated individuals are counted at their facility, should remain the same for the foreseeable future.

Firstly, changing current standards will create unneeded confusion and expense. States which have adopted the prison adjustment as proposed – New York, Maryland, and Delaware – continue to have difficulty accounting for all prisoners accurately. Attempting to adopt this system at the Federal level will add a layer of superfluous complexity to the enumeration process. For example, accounting for prisoners incarcerated in a different state from their “usual residence” or a different state from their conviction would involve reviewing and adjusting prisoner counts. This could consequently change the numbers used in the apportionment of United States House seats in 2020. Moreover, the pre-incarceration residences of many prisoners can be difficult to establish, and in some cases may just be guessed based on where the prisoner was arrested.

Part of the issue at hand is that the effects of reapportionment and redistricting are not clearly known to individual states. It is no secret that the push to change current rules is being driven by activist groups who seek to gain politically from the proposed rule changes. This could leave the Census Bureau exposed to a conflict similar to the adjustment controversy of 2000, wherein miscounting led to the misallocation of a US congressional seat.

In summary, I urge you to oppose the residency rule changes for incarcerated individuals. We currently have a system that works, makes

	sense, and is non-partisan.
c6	<p>I am writing you this humid, hot North Carolina afternoon asking that you please reconsider the proposal to change the manner in which prisoners are counted for by the Bureau.</p> <p>I believe that the Bureau would be making a huge mistake if it were to not continue with business as it is currently done and count the prisoners in the location of their incarceration; the rules regarding residency that were established in the 2010 Decennial Census should remain the same.</p> <p>Firstly, how is the Bureau going to establish the residences of prisoners prior to their incarceration? It may seem rather easy to do; however, what about the career criminals who bounces back-and-forth between halfway houses and correctional institutions? Are you going to simply base their residence on the location of their most recent arrest?</p> <p>While I think that some may think this is a very elementary task of determining the residency of prisoners, this is just another solution in search of a problem. As we used to say in the Army, this briefs well. What I mean is that in theory this may seem easy to do but if the Bureau was to actually implement this policy, the results would be disastrous.</p> <p>Also, if the proposed rule changes take hold, it is possible that minority communities located in rural areas will be disenfranchised, and not protected as they should be per the Voting Rights Act. This could also open the door to future adjustments motivated by political gain, such as adjustments of residency rules for college students and military personnel.</p> <p>In closing, I urge you again to oppose the residency rule changes for incarcerated individuals.</p>
c7	<p>The Real Cost of Prisons Project submits this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). We urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>Every day, we advocate on 'behalf of incarcerated women and men, so that the powers that be know there is someone paying attention, and holding them accountable. We are dedicated to making known the ideas of men and women who are incarcerated. We see firsthand the importance of an accurate count of incarcerated people.</p> <p>As you know, American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the growth in the prison population requires the Census to update its methodology again.</p> <p>The need for change in the "usual residence" rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the number of incarcerated people as more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. In Illinois, for example, 60% of incarcerated people have their home residences in Cook County (Chicago), yet the Bureau counted 99% of them as if they resided outside Cook County.</p>

	<p>When this data is used for redistricting, prisons artificially inflate the political power of the areas where the prisons are located. In New York after the 2000 Census, for example, seven state senate districts only met population requirements because the Census counted incarcerated people as if they were upstate residents. For this reason, New York State passed legislation to adjust the population data after the 2010 Census to count incarcerated people at home for redistricting purposes.</p> <p>New York State is not the only jurisdiction taking action. Three other states (California, Delaware, and Maryland) are taking a similar state-wide approach, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts.</p> <p>But this ad hoc approach is neither efficient nor universality implementable. The Massachusetts legislature, for example, concluded that the state constitution did not allow it to pass similar legislation, so it sent the Bureau a resolution in 2014 urging the Bureau to tabulate incarcerated persons at their home addresses. <i>See</i> The Massachusetts General Court Resolution "Urging the Census Bureau to Provide Redistricting Data that Counts Prisoners in a Manner Consistent with the Principles of 'One Person, One Vote'" (Adopted by the Senate on July 31, 2014 and the House of Representatives on August 14, 2014).</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because the Real Cost of Prisons Project believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home address.</p>
c8	<p>I represent the _____ District in the Virginia House of Delegates and submit this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). I urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>As an elected representative, I am keenly aware that democracy, at its core, rests on equal representation. And equal representation, in turn, rests on an accurate count of the nation's population.</p> <p>As you know, American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the growth in the prison population requires the Census to update its methodology again.</p> <p>The need for change in the "usual residence" rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the number of incarcerated people as more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. In Virginia, this resulted in a single state house district where people counted in state and federal facilities account for 12% of the district's total population.</p> <p>Currently, four states (California, Delaware, Maryland, and New York) are taking a state-wide approach to adjust the Census' population totals to count incarcerated people at home, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts.</p>

	<p>But this ad hoc approach is neither efficient nor universality implementable. It makes far more sense for the Bureau to provide accurate redistricting data in the first place, rather than leaving it up to each state to have to adjust the Census' data to count incarcerated people in their home district.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because democracy relies on a population count that accurately represents communities, I urge you to count incarcerated people as residents of their home address.</p>
c9	<p>I am submitting these brief comments in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). I urge the Census Bureau to count incarcerated individuals at their home address and not at the address of the prison facility.</p> <p>I am an active user of census data for the academic analysis of redistricting plans. I also frequently serve as a consultant to state and local governments as they develop redistricting plans, and as an expert witness in litigation pertaining to redistricting plans. Given the size of the incarcerated population in United States, counting the prisoner population at the site of the prison can produce inequitable results in the redistricting process. Such results can be particularly problematic for local government electoral districts with smaller total populations, and minority groups if their electoral strength is decreased by counting group members at the site of a prison and not at their home addresses.</p> <p>An excellent example of "prison gerrymandering" in my home state of Wyoming pertains to state senate districts 3 and 6. To avoid having two incumbents in the same district, an appendage from district 6 is drawn north for 17 miles to include a prison housing approximately 500 individuals. The ideal population for a Wyoming state senate district is approximately 19,000 individuals. Thus, counting 500 non-voting prisoners at the site of the prison inflates the value of ballots cast by non-prison voters in district 6 relative to surrounding state senate districts. Simply said, this is unfair to the voters in the other 29 state senate districts. A map of district 6 can be viewed at the link below:</p> <p>(http://www2.census.gov/geo/maps/dc10map/SLD_RefMap/upper/st56_wy/sldu56006/DC10SLDU56006_001.pdf).</p>
c10	<p>Fair Elections Legal Network (FELN) submits this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). We urge you to count incarcerated people at their home address, rather than at the particular prison facility they happen to be located at on Census day.</p> <p>FELN is a national nonpartisan voting rights and legal support organization whose mission is to remove barriers to registration and voting for traditionally underrepresented constituencies. We work to improve overall election administration through administrative, legal, and legislative reform as well as provide legal and technical assistance to voter mobilization organizations. As such, we recognize that the Bureau's use of the prison as a "residence" contradicts most state constitutions and statutes, which explicitly state that incarceration does not change a residence.</p> <p>When state and local officials use the Census Bureau's prison count data, they give extra representation to the communities that host the prisons despite the fact that those who are able to vote from prison must invariably do so by absentee ballot from their home address – not from the prison address. By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. The current definition of residence dilutes representation and is detrimental to democracy.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the</p>

	<p>right place in keeping with changes in society and population realities. Fair Elections Legal Network believes in a population count that accurately represents communities, thus, we urge you to count incarcerated people as residents of their home address.</p>
c11	<p>I am writing in response to your May 20 federal register notice regarding the Residence Rule and Residence Situations.</p> <p>I serve as an elected Town Meeting Representative in Precinct _____ in _____, _____, a community that hosts a correctional institution (_____, which actually straddles our border with the town of _____). Ever since _____ adopted a Representative Town Meeting form of government in 1971, the town charter has stipulated that our 150 Representatives in Town Meeting (RTMs) must be apportioned between the precincts (Town Meeting districts) according to the “number of inhabitants” in each precinct. In concept, this means the most populous precinct should have the most number of RTMs, while the smallest precinct by census should have the least number of RTMs. In general, for a Representative Town Meeting which is, by its very name, intended to be “representative” of the people, this form of apportionment makes sense.</p> <p>But because the Census Bureau counted people incarcerated at _____ as if they were residents of Precinct _____ (where the prison is located), Precinct _____ became the third most populous precinct in town, at least on paper. Without the prison, Precinct _____ is actually the least populous, and should therefore have the least number of RTMs. And as it is, Precinct _____ has the least number of registered voters of all precincts.</p> <p>In 2010 the Census Bureau assigned _____ prisoners at _____ to a census block in our town. So now Precinct _____ gets a bump of about three extra RTMs. This boost unfairly gives extra influence to Precinct _____ voters, who get more representation for fewer actual residents. Under state law, prisoners are not allowed to vote and, because of their incarceration, don’t typically use town services.</p> <p>As an elected representative, I am keenly aware that democracy, at its core, rests on equal representation. And equal representation, in turn, rests on an accurate count of our population.</p> <p>_____ is one of seven communities in _____ with a Representative Town Meeting that doesn’t adjust Census data when apportioning RTMs among precincts. The other towns are _____.</p> <p>Our problem isn’t unique; when state and local officials use the Census Bureau’s prison count data, they give extra representation to the communities, and individual precincts, that host the prisons and dilute the representation of everyone else. This is bad for democracy.</p> <p>Because I believe in a population count that accurately represents my community, I urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p>
c12	<p>Hi there. I am writing to comment on the Census Bureau’s federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015).</p> <p>First, I urge you adjust the “usual residence” rule to count incarcerated people at their home address, not where they happen to be incarcerated on census day. Second, I want to thank you for giving this apparently small technical point the attention it deserves. Details like this are what make the Census Bureau such an important and reliable source of information.</p> <p>I am a professional researcher. For the past five years I have done research at SEIU, the labor union; for five years before that I was research director at Campaign for America's Future, a think tank; for ten years before that I worked in and around the criminal justice system. It would be hard to overestimate how often I use Census data or what I use it for. But locating population for purposes of political apportionment is central and fundamental.</p> <p>As you know, the US rate of prison incarceration hovered around 100 per 100,000 up until roughly 1980. Nowadays it is closer to 500 per 100,000, without even including local jails. Along with the explosive growth in custody has come growth in racial disparities, with African American men incarcerated at roughly six times the rate of white men. Nowadays over two million people are in prison or jail – one in 100 adults, and more people than our three least populous states combined (I know that from census data; thanks!).</p>

	<p>Applying the simple usual residence rule to people in custody might once have been reasonable. But times have changed. Above all else, it affects redistricting, the fundamental purpose of the census. Jurisdictions rely on census data to draw political districts and fairly allocate voters among representative districts. Counting people in custody where they are confined – not where they actually live – introduces avoidable error. Most people in prison will return to their usual residence in far less time than a decennial census.</p> <p>Four states and over 200 counties and municipalities have enacted new rules to adjust population data when drawing government districts. The states are California, Delaware, Maryland, and New York, who represent 20% of the US population between them. Other states that have considered or are currently considering related actions include Virginia, Illinois, Texas, Georgia and Oregon. If that much of the country thinks something is wrong, it is time for the Census Bureau to act. Indeed, a deliberate national correction is far preferable to ad hoc efforts by assorted jurisdictions on their own.</p> <p>I note that the Massachusetts legislature might have made a similar adjustment, but it determined that the state constitution binds it to the state to the Census Bureau’s determinations regarding residence and it specifically requested the Census Bureau to change the rule. I expect that still other jurisdictions may have hit similar obstacles or simply haven’t dealt with the problem yet.</p> <p>Thank you for considering a change in the rule. Because the Census count is fundamental to our representative democracy, I urge you to count incarcerated people where they actually live, not where they are temporarily confined.</p>
c13	<p>Prisoners' Legal Services of New York (PLS) submits this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). PLS urges you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>Founded in 1976, PLS provides direct civil legal services to more than 10,000 incarcerated individuals annually. PLS provides this underserved population with legal representation on a myriad of civil legal issues such as access to adequate medical and mental health care, proper housing, education and programming, child support and visitation, challenges to disciplinary proceedings and the use of excessive force, and matters relating to jail time credit and sentence calculations. All of the work PLS does helps prepare incarcerated individuals for release and successful reintegration into society.</p> <p>Along those lines, PLS is extremely interested in ensuring that the individuals we serve are given equal and appropriate representation by representatives of the communities from which they came and to which they will return. Counting incarcerated individuals at their home address gives those who will be returning to their communities a vested interest in helping to shape the future of their community.</p> <p>In the fall of 2006, the National Research Council issued a report commissioned by the United States Census Bureau finding that counting prisoners as residents of the prisons where they were housed distorted the political process and raised legitimate concerns about the fairness of the census itself. Thus, the issue of where to count prisoners in the census is not new.</p> <p>As you know, American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the growth in the prison population requires the Census to update its methodology again.</p> <p>The need for change in the "usual residence" rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the number of incarcerated people has more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge</p>

implications for the accuracy of the Census. By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people.

For instance, in New York's Livingston County, which uses weighted voting, the town of Groveland derived 62% of its population from one large prison after the 2000 census; allowing the Groveland Supervisor to exercise 107 Board of Supervisor votes instead of the 40 votes he would be entitled to without the prison. And the problem extended to the State Legislature as well; seven state senate districts only met population requirements because the Census counted incarcerated people as if they were upstate residents. For this reason, New York State passed legislation to adjust the population data after the 2010 Census to count incarcerated people at home for redistricting purposes.

New York State is not the only jurisdiction taking action. Three other states (California, Delaware, and Maryland) are taking a similar state-wide approach, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts.

But this ad hoc approach is neither efficient nor universally implementable. The Massachusetts Legislature, for example, concluded that the state constitution did not allow it to pass similar legislation, so it sent the Bureau a resolution in 2014 urging the Bureau to tabulate incarcerated persons at their home addresses. *See* The Massachusetts General Court Resolution "Urging the Census Bureau to Provide Redistricting Data that Counts Prisoners in a Manner Consistent with the Principles of 'One Person, One Vote'" (Adopted by the Senate on July 31, 2014 and the House of Representatives on August 14, 2014).

Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because PLS believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home address.

c14 The Pennsylvania Institutional Law Project [PILP] submits this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). I urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.

The PILP provides free civil legal assistance to the institutionalized population in Pennsylvania. We have a state law 25 P.S.2813 that sets an inmates home residence as the proper residence for voting purposes. We believe the entire country should follow our example.

As you know, American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the growth in the prison population requires the Census to update its methodology again.

The need for change in the "usual residence" rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the number of incarcerated people has more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census.

By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people.

	<p>Currently, four states (California, Delaware, Maryland, and New York) are taking a state-wide approach to adjust the Census' population totals to count incarcerated people at home, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts.</p> <p>But this ad hoc approach is neither efficient nor universally implementable. The Massachusetts legislature, for example, concluded that the state constitution did not allow it to pass similar legislation, so it sent the Bureau a resolution in 2014 urging the Bureau to tabulate incarcerated persons at their home addresses. <i>See</i> The Massachusetts General Court Resolution "Urging the Census Bureau to Provide Redistricting Data that Counts Prisoners in a Manner Consistent with the Principles of 'One Person, One Vote'" (Adopted by the Senate on July 31, 2014 and the House of Representatives on August 14, 2014).</p> <p>The PILP also has identified specific inaccuracies flowing from the Bureau's current method of counting incarcerated persons as follows [cite examples]. We have previously called upon the Census Bureau to change its practice as well in prior correspondence.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because [org name] believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home address.</p>
c15	<p>A New PATH (Parents for Addiction Treatment & Healing) submits this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). A New PATH urges you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>A New PATH (Parents for Addiction Treatment and Healing) is a non-profit advocacy organization. We advocate for treatment instead of incarceration for individuals who have been convicted of non-violent drug-related crimes, and for treatment behind bars. Our mission is to reduce the stigma associated with addictive illness through education and compassionate support and to advocate for therapeutic rather than punitive drug policies.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. When this data is used for redistricting, prisons inflate the political power of those people who live near them.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because A New PATH believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home address.</p>
c16	<p>My name is _____ and I am the Coordinator Community Alliance on Prisons. We submit this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015).</p> <p>Community Alliance on Prisons urges you to count incarcerated people at their home address, rather than at the particular facility where they happen to be located on Census day.</p> <p>Community Alliance on Prisons is a community initiative promoting smart justice policies in Hawai'i for more than a decade. This testimony is respectfully offered and always mindful that approximately 6,000 Hawai'i individuals are under the 'care and custody' of the Department of Public Safety, including 1,400 men who are serving their sentences abroad, thousands of miles from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.</p>

The disproportionate impact of the criminal justice system on Native Hawaiians accumulates at each stage of the criminal justice system. Native Hawaiians are also more likely to receive a sentence of incarceration over probation.¹

Hawai'i contracts with Corrections Corporation of America to house more than 1,400 of our incarcerated men in Saguaro Correctional Center in Eloy, Arizona. Hawaiians are over-represented in the incarcerated population that is banished from Hawai'i.

In researching Eloy, Arizona on the web, we found that the population there has increased 63.8% since the 2000 census.

Population in 2013²: 16,996 (68% urban, 32% rural).

Population change since 2000: + 63.8%

Males: 11,038 (64.9%)

Females: 5,958 (35.1%)

The **male population has increased 64.9%**. This is not difficult to believe since Corrections Corporation of America opened **Red Rock Correctional Center in 2006** with a capacity of **1,596**; **Saguaro Correctional Center in 2007** with a capacity of 1,896 and recently increased capacity by 30 beds = **1926**; and **La Palma Correctional Center in 2008** with a capacity of **3,060**.

These three prisons added 6,582 men to the “population” of Eloy – a 59.6% increase in the male population!

The tragedy of this skewed census count is that most of Hawai'i's incarcerated individuals are not from Eloy -- or even from Arizona, for that matter.

The census count is used as the basis for many of the decisions that affect Hawaiians (Kanaka Maoli), the first people of the islands; our host culture. Counting incarcerated persons where they are involuntarily housed causes harm to Hawai'i, in general and to Hawaiians, in particular. Incarcerated people in Hawaii are disproportionately Hawaiian. In the 2000 Census, 18% of the state was Native Hawaiian. A more recent figure reported in the 2010 report *The Disparate Treatment of Native Hawaiians in the Criminal Justice System*³ reported that 24% of the population is Native Hawaiian. The Department of Public Safety reports that approximately 40% of incarcerated people are of Hawaiian ancestry; yet is widely known that the population of incarcerated Native Hawaiians is approximately 60%.

This means that CCA's three prisons house almost 60% of the male population in Eloy, AZ. Federal funds are based on population, impacting Hawai'i's share of federal funds.

The need for change in the “usual residence” rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the number of incarcerated people has more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census.

A prison cell is NOT a residence, despite being designated as such in the 2010 Census. By doing so, the Census Bureau concentrated a population that is disproportionately male and persons of color, and in our case Hawaiian, who are located far from their

actual homes and ancestral lands.

Prison-based gerrymandering violates the constitutional principle of “One Person, One Vote.”⁴ The Supreme Court requires districts to be based on equal population in order to give each resident the same access to government. But a longstanding flaw in the Census counts incarcerated people as residents of the prison location, even though they can’t vote and aren’t a part of the surrounding community.

When legislators claim people incarcerated in their districts are legitimate constituents, they give people who live close to the prison more of a say in government than everybody else. This is not fair or accurate.

We urge the Census Bureau to fix this egregious flaw that is motivated by politics, rather than thoughtful policymaking.

Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities.

Because Community Alliance on Prisons believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home address.

¹ Hawai‘i State Department of Health, Office of Health Status Monitoring, special tabulation from the Hawai‘i Health Survey, January 22, 2010. <http://hawaii.gov/dbedt/info/economic/databook/2008-individual/01/>; Hawai‘I Criminal Justice Data Center; Office of Hawaiian Affairs, “Databook 2006: Public Safety,” March 2006. www.oha.org/pdf/databook/2006/DataBook2006PublicSafety.pdf; Hawai‘i Department of Public Safety, 2008 Annual Report (Honolulu, HI: Department of Public Safety, 2008). <http://hawaii.gov/psd/administration/publications/annual-reports/department-of-public-safety/PSD-AnnualReport2008.pdf>

² <http://www.city-data.com/city/Eloy-Arizona.html#ixzz3f9dYqm2W>

³ http://www.justicepolicy.org/uploads/justicepolicy/documents/10-09_exs_disparatetreatmentofnativehawaiians_rd-ac.pdf

⁴ But it wasn’t until 1963 that “One person, one vote” became a widely articulated core principle of the Constitution when it was first spoken by Chief Justice Earl Warren’s Supreme Court. <http://www.theconstitutionproject.com/portfolio/one-person-one-vote/>

c17 Liberty County Georgia is home to Fort Stewart, 3rd Infantry Division. The population of Fort Stewart is approximately 22,000. Liberty County is very proud to be home to this great military division. However, these soldiers impact our community greatly in their utilization of our roads, court system, schools, and other infrastructure. During the last Census, April 1, 2010, the entire 3rd Infantry Division was deployed overseas to a war zone. The division redeployed to Fort Stewart completely by July 31, 2010. During this time, the number of soldiers that was deployed numbered between 13,000 and 16,000.

When the Census count was taken on April 1, 2010 we estimated that Liberty County was under counted between 11,000 and 13,000 people. We would like to note also this is the second U.S. Census that we were under counted as the 3rd Infantry Division was also deployed April 1st 1990. We are able to confirm this under count by reviewing the Command Data Summary Report that Fort Stewart produces on an annual basis. It shows the troop strength on a monthly time frame so we know how many soldiers are at Fort Stewart on any given month. A snap shot of April 1, 2010 indicates that its population was about 8,000 which included those families that lived in post housing. Once the soldiers all returned, that number on September 1, 2010 was approximately 20,000 or a difference of over 12,000 people.

The Army’s deployment rotation is normally 9 to 12 months depending on the mission. These units deploy and then come back to the same base of origination. A home station is established, they leave and return. There is a rule already in place by the Bureau, Number 9

	<p>(c) that is established for U.S. military personnel on U.S. military vessels (Navel) with a U.S. homeport. These personnel are counted at the onshore U.S. residence where they live and sleep most of the time. If they have no onshore U.S. residence, they are counted at their vessel's homeport." It is our direct feeling that all military personnel, regardless of their branch affiliation, should be handled and counted in the same manner.</p> <p>In closing, the disproportionate treatment in this count methodology has and will result in direct economic loss to the county as many grant opportunities are affected. We cannot control the timing of deployments but must maintain a consistent level of service during their occurrences. We only get one shot every ten years to accurately reflect the impacts and needs of our community. Please consider changing the current rule to be consistent with all branches of the service.</p>
c18	<p>I am a senior citizen and witnessed the growth in the 1990's of ten (10) new prisons built in 'depressed areas' of New York State, during a time when crime was actually going down! Yes, it provided more jobs BUT ... WHAT IT'S ALSO DONE ... is given greater population numbers to (political) representatives in those districts ... thus the obvious imbalance of political clout! Well over 95% of the number of inmates in those prisons did not come from those districts and therefore, those numbers should <u>not</u> be considered in any census count ... unless (perhaps) counted in the districts where they came from. However, given the fact that once they're released, they can't vote anyway ... then just simply subtract their numbers from the district they're housed at!</p>
c19	<p>I am writing in response to your May 20 federal register notice regarding the Residence Rule and Residence Situations.</p> <p>A lot of people from my community end up in prison, and it's not fair that they get counted as if they were residents of the prison town instead of at home with us. Giving our political power to people who want to lock up more of our community members just doesn't make sense.</p> <p>Because I believe in a population count that accurately represents my community, I urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p>
c20	<p>In 2010, the U.S. Census Bureau counted deployed service members as part of the population of their home of record. During this time, there were approximately 10,000 service members stationed at Fort Campbell who were deployed from the installation at the time of the census. Furthermore, over 250,000 United States military personnel were temporarily deployed overseas in support of contingency operations, or for other short-term missions. Home of record is generally defined as the permanent home at the time of entry or re-enlistment into the Armed Forces as included in personnel files; when a deployment ends, soldiers return to their home base- not their original home town or home of record.</p> <p>This once a decade head count sets a baseline population upon which annual estimates are based for the next ten years. Many federal and state assistance programs use formulas based on the decennial census or derivatives from the decennial census data. With the current methodology, the communities in which these service members reside prior to deployment are deprived of potentially large sums of federal and state funding.</p> <p>By using the last duty station to count deployed service members the 2020 Census data will depict a more accurate representation of where the deployed service members live prior to deployment and in return allow the communities where these service members live access to more funding to provide services and programs for the military members and their dependents during the following ten year period.</p> <p>Thank you for consideration of this request.</p>
c21	<p>In 2010, the U.S. Census Bureau counted deployed service members as part of the population of their home of record. During this time,</p>

	<p>there were approximately 10,000 service members stationed at Fort Campbell who were deployed from the installation at the time of the census. Furthermore, over 250,000 United States military personnel were temporarily deployed overseas in support of contingency operations, or for other short-term missions. Home of record is generally defined as the permanent home at the time of entry or re-enlistment into the Armed Forces as included in personnel files; when a deployment ends, soldiers return to their home base- not their original home town or home of record.</p> <p>This once a decade head count sets a baseline population upon which annual estimates are based for the next ten years. Many federal and state assistance programs use formulas based on the decennial census or derivatives from the decennial census data. With the current methodology, the communities in which these service members reside prior to deployment are deprived of potentially large sums of federal and state funding.</p> <p>By using the last duty station to count deployed service members the 2020 Census data will depict a more accurate representation of where the deployed service members live prior to deployment and in return allow the communities where these service members live access to more funding to provide services and programs for the military members and their dependents during the following ten year period.</p> <p>Thank you for consideration of this request.</p>
c22	<p>In 2010, the U.S. Census Bureau counted deployed service members as part of the population of their home of record. During this time, there were approximately 10,000 service members stationed at Fort Campbell who were deployed from the installation at the time of the census. Furthermore, over 250,000 United States military personnel were temporarily deployed overseas in support of contingency operations, or for other short-term missions. Home of record is generally defined as the permanent home at the time of entry or re-enlistment into the Armed Forces as included in personnel files; when a deployment ends, soldiers return to their home base- not their original home town or home of record.</p> <p>This once a decade head count sets a baseline population upon which annual estimates are based for the next ten years. Many federal and state assistance programs use formulas based on the decennial census or derivatives from the decennial census data. With the current methodology, the communities in which these service members reside prior to deployment are deprived of potentially large sums of federal and state funding.</p> <p>By using the last duty station to count deployed service members the 2020 Census data will depict a more accurate representation of where the deployed service members live prior to deployment and in return allow the communities where these service members live access to more funding to provide services and programs for the military members and their dependents during the following ten year period.</p> <p>Thank you for consideration of this request.</p>
c23	<p>I am a volunteer in the Massachusetts Prison system. I submit this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). I urge you to count incarcerated people at their home address, rather than at the particular facility where they happen to be housed on Census day.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. When this data is used for redistricting, prisons inflate the political power of those people who live near them.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because I believe in a population count that accurately represents</p>

	<p>communities, I urge you to count incarcerated people as residents of their home address.</p>
c24	<p>I'm writing in response to your federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015).</p> <p>So many individuals in my state of Florida end up in prison. But they are not counted as if they are residents of their home town but as residents of some far off town- which in fact is mostly rural-meaning town's with very little of our state's population.</p> <p>Therefore we are now "giving" our political power to these individuals-those who benefit highly from incarcerating most individuals-- as our society's solution to problems that we "all" face. Does this serve the "best" interest of "one and all" or rather the interests of a few select?</p> <p>I urge you therefore, to count incarcerated people in their home town, and not in some distant rural town where the facility is located "on" that particular Census Day!</p>
c25	<p>Justice Strategies is submitting this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). Justice Strategies urges you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>Justice Strategies conducts research on criminal justice and immigration detention issues and supports advocates who seek practical policy solutions and more humane, effective and safe alternatives to the massive and unprecedented incarceration levels that has made the United States number one among all nations for the number of people it places in jails and prisons. The need for change in the "usual residence" rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. Since then, the nation's incarcerated population has more than quadrupled to over two million people, the vast majority of whom will ultimately return to their home communities. The manner in which this population is counted now has huge implications for the accuracy of the Census, and more importantly the very nature of what it means to be a representative democracy.</p> <p>In order to ensure the proper apportionment of local representatives to our national Congress, Article 1 Sec. 2 of the United States Constitution calls for the enumeration of the population every ten years. The "usual residence" rule violates the spirit, if not the letter, of this constitutional principle, by counting people in correctional facilities as residence of political jurisdictions where neither they, their families, nor their fellow community members are likely to live, and from which their political interests are not represented.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. Today, the growth in the prison population requires the Census to update its methodology, not only to safeguard the accuracy of the Census, but the political interests of the people of the United States as well.</p> <p>The inaccuracies inherent in the "usual residence" rule are not just problematic for the proper apportionment of political representation at the national level. States rely heavily on the accuracy of the US Census to do much the same, sometimes with peculiar results. In Illinois, for example, 60% of incarcerated people have their home residences in Cook County (Chicago), yet the Bureau counted 99% of them as if they resided outside Cook County. In New York State, after the 2000 Census, seven state senate districts only met population requirements because the Census counted incarcerated people as if they were upstate residents.</p> <p>New York State passed legislation to adjust the population data after the 2010 Census to count incarcerated people at home for redistricting purposes. However, New York is not the only State taking such action. Three other states (California, Delaware, and Maryland) are taking a similar state-wide approach. Additionally, over 200 counties and municipalities individually adjust population data to avoid prison</p>

	<p>gerrymandering when drawing their local government districts.</p> <p>Although these ad hoc measures by localities and states are appropriate and necessary adjustments to the inaccuracies inherent in the US Census Bureau's application of the "usual residence" rule, they are neither efficient nor universally implementable. The Massachusetts legislature concluded that its state constitution did not allow it to pass similar legislation. The Massachusetts legislature sent the Bureau a resolution in 2014 urging it to tabulate incarcerated persons at their home addresses. See The Massachusetts General Court Resolution "Urging the Census Bureau to Provide Redistricting Data that Counts Prisoners in a Manner Consistent with the Principles of 'One Person, One Vote'" (Adopted by the Senate on July 31, 2014 and the House of Representatives on August 14, 2014). We urge the same.</p> <p>Justice Strategies believes in a population count that accurately represents communities. The accuracy of the US Census is a critically important linchpin of our democracy. We strongly urge you to count incarcerated people as residents of their home address.</p> <p>Thank you for the opportunity to comment on the Residence Rule and Residence Situations.</p>
c26	<p>As a member of the board of directors of the Prison Policy Initiative, and as a resident of a state in which the current Residence Rule distorted election district boundaries, I submit this comment in response to the Census Bureau's federal register notice regarding proposed changes to the Residence Rule and Residence Situations as outlined in 80 FR 28950 (May 20, 2015).</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and Black or Latino into 5,393 census blocks that are located far from the actual homes of incarcerated people. When the PL 94-171 data are used for redistricting purposes, as is almost always the case, prison populations unfairly inflate the political power of people who live near prisons.</p> <p>In my home state of North Carolina, two counties removed the prison populations tabulated in the PL 94-171 data when they conducted redistricting for local government, thereby avoiding inflating the political clout of people who lived in the county districts that contained the prisons. On the other hand, one county commission district and school district in Granville County, NC is heavily underpopulated due to the county's decision to rely on the PL 94-171 data for redistricting, which counted the people incarcerated in the county as if they resided in the county. (Granville County is home to a massive federal prison complex, the population of which was included in county election district redistricting and state legislative district redistricting.) The former are examples of the lengths to which local governments must go to adjust data effected by the Residence Rule, and the latter is an example of the political distortion that the Residence Rule causes when local governments rely on the PL 94-171 data provided by the Census Bureau.</p> <p>Thank you for the opportunity to comment on the proposed changes to the Residence Rule and Residence Situations. As a board member of an organization that has been studying the effect of the Residence Rule on prison populations and redistricting for more than a decade, and as a resident of a state in which the Residence Rule impacts election district boundaries, I respectfully urge the Census Bureau to count incarcerated people as residents of their last home address.</p>
c27	<p>I am writing in response to your May 20th federal register notice regarding the Residence Rule and Residence Situations.</p> <p>I think you should strongly consider revising the policy with regard to where general quarters populations are counted, particularly prisoners. Prisoners are often short term residents in correctional facilities with ongoing and permanent ties to their original homes. They are part of communities where they come from. When they are counted as living in prisons, and not in their real communities, it does damage to those communities. This damage occurs when federal and local officials use census data to make policy decisions, and to draw district maps. It dilutes the representation the home communities and increases the representation of the district with the prison.</p>

	<p>Further people living in prisons are disproportionately black and hispanic. When you count all of those black and hispanic people in their facilities, rather than their homes, you weaken the black and hispanic vote. This is bad for democracy.</p> <p>We live in a country with two million incarcerated people. We cannot continue distorting our democracy by misplacing all two million of them.</p>
c28	<p>We are public health physicians who have retired from the Centers for Disease Control and Prevention.</p> <p>We submit this comment in response to the Census Bureau's Federal Register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). Our comments are based on public health analysis.</p> <p>We urge you to count incarcerated people at their home address, rather than at the particular correctional facility where they are located on Census Day.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau place the incarcerated people, who are disproportionately male, urban, and African-American or Latino, into the 5,393 Census blocks of the prisons where they are held, which are located far from the actual homes of the incarcerated people. When these data are used for Congressional redistricting, the incarcerated people increase the political power of the districts where prisons are located. At the same time, the political power of the home communities of the incarcerated people is diminished.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right.</p> <p>Because we believe in a population count that accurately represents communities, we urge you to count incarcerated people as residents at their home addresses.</p>
c29	<p>The New Jersey Tenants Organization (NJTO) submits this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). We urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>The NJTO is the oldest, largest statewide tenant membership organization in the United States. Over the last 46 years, NJTO has changed New Jersey from one of the worst states for tenants to (arguably) the best. NJTO has been successful in establishing the basic rights of tenants to organize and be treated as human beings with the right to safe, healthy, and affordable homes, rather than just lessees at the mercy of lessors. We have also been the driving force behind the movement for municipal rent control in New Jersey.</p> <p>But our efforts to ensure fair tenant laws are hindered when communities are shortchanged on representation. When the Bureau routinely publishes redistricting data that counts our incarcerated residents as if they lived across the state, it shifts political power, and consequently shifts our legislature's priorities.</p> <p>We commend the Bureau for striving to count everyone in the right place and thank you for this opportunity to comment on the residence rules. NJTO believes our state, and the nation, needs a population count that accurately represents all communities, so we urge you to count incarcerated people as residents of their home address.</p>
c30	<p>In 2010, the U.S. Census Bureau counted deployed service members as part of the population of their home of record. During this time, there were approximately 10,000 service members stationed at Fort Campbell who were deployed from the installation at the time of the census. Furthermore, over 250,000 United States military personnel were temporarily deployed overseas in support of contingency</p>

	<p>operations, or for other short-term missions. Home of record is generally defined as the permanent home at the time of entry or re-enlistment into the Armed Forces as included in personnel files; when a deployment ends, soldiers return to their home base- not their original home town or home of record.</p> <p>This once a decade head count sets a baseline population upon which annual estimates are based for the next ten years. Many federal and state assistance programs use formulas based on the decennial census or derivatives from the decennial census data. With the current methodology, the communities in which these service members reside prior to deployment are deprived of potentially large sums of federal and state funding.</p> <p>By using the last duty station to count deployed service members the 2020 Census data will depict a more accurate representation of where the deployed service members live prior to deployment and in return allow the communities where these service members live access to more funding to provide services and programs for the military members and their dependents during the following ten year period.</p> <p>Thank you for consideration of this request.</p>
c31	<p>Colorado-CURE submits this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). We urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>We at Colorado-CURE are interested in ending prison gerrymandering/ensuring equal representation in the entire United States. We are a 25 year old criminal justice organization in Colorado.</p> <p>As you know, American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the growth in the prison population requires the Census to update its methodology again.</p> <p>The need for change in the "usual residence" rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as 1985, Colorado had less than 3,400 people in state prisons, by 2012 that figure was 20,462. As a percentage of our total population over that same time period, Colorado's incarceration rate has quadrupled. The manner in which this population is counted now has huge implications for the accuracy of the Census.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a Colorado population that is disproportionately male, urban, and African-American, Latino or Native American into less than two dozen facilities that are typically located far from the actual homes of incarcerated people.</p> <p>Because Colorado has not passed legislation like California, Delaware, Maryland, and New York to adjust the Census' population totals to count incarcerated people at home for state legislative' redistricting purposes, this flawed data distorts the legislative redistricting process in Colorado.</p> <p>However unlike some other states, our state does not contain any instances of prison gerrymandering at the county level because our legislature had the forethought in 2002 to pass Senate Bill 02-007, an Act Concerning County Commissioner Redistricting which requires (emphasis added):</p> <p>Each district shall be as nearly equal in population as possible based on the most recent federal census of the United States minus the</p>

	<p>number of persons serving a sentence of detention or confinement in any correctional facility in the county as indicated in the statistical report of the Department of Corrections for the most recent fiscal year.</p> <p>Each district shall be as nearly equal in population as possible based on the most recent federal census of the United States minus the number of persons serving a sentence of detention or confinement in any correctional facility in the county as indicated in the statistical report of the Department of Corrections for the most recent fiscal year.</p> <p>(This statute only applies to county redistricting, but my understanding is that all of the relevant cities in Colorado that contain large correctional facilities have chosen to adjust their redistricting data in similar ways.)</p> <p>We urge you to bring uniformity and simplicity to this process by counting incarcerated people at home in the next Census.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because Colorado-CURE believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home address.</p>
c32	<p>Ohio Voice submits this comment in response to the Census Bureau’s federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). Ohio Voice urges you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>We are the Ohio affiliate of State Voices, Ohio Voice which represents a diverse group of 5013c organizations that support civic engagement, fair representation and engagement and empowerment of underrepresented communities. We have long held a particular interest in fair representation in legislative bodies. The current system of counting incarcerated people, as a part of a legislative district where the prison is located skews and in no way is method for ensuring equal representation.</p> <p>American demographics and living situations have changed since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the growth in the prison population requires the Census to update its methodology again.</p> <p>The need for change in the “usual residence” rule, as it relates to incarcerated persons, has been growing over the last few decades. The number of incarcerated people currently is over two million people. The manner in which this population is counted now has huge implications for the accuracy of the Census.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. In Ohio, this process added more than 9000 people to a district by counting the prison population and this is only one example.</p> <p>Currently, four states (California, Delaware, Maryland, and New York) are taking a state-wide approach to adjust the Census’ population totals to count incarcerated people at home, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts. This ad hoc approach is neither efficient nor universality implementable.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place. Because Ohio Voice believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home address.</p>

c33	<p>The League of Women Voters of Wisconsin submits this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). We urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>The League supports equality in representation for all citizens in our state. In 2010 we supported legislation to amend our state constitution to exclude incarcerated, disenfranchised felons from the enumeration of population for the purposes of apportionment and redistricting of legislative, county and certain other district offices. We believe this resolution is an important step in achieving equality. However, we noted at the time that it would be preferable if the U.S. Census Bureau would change the way it counts incarcerated offenders.</p> <p>As you know, American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the growth in the prison population requires the Census to update its methodology again.</p> <p>The need for change in the "usual residence" rule, as it relates to incarcerated persons, has been growing over the past few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the number of incarcerated people has more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. For example, Wisconsin has historically drawn legislative districts so that their population-sizes are within 2% of the average. But by counting incarcerated individuals as part of the districts in which they are incarcerated, Wisconsin awards greater political representation to districts with prisons than to those without them. To make matters worse, many of the incarcerated individuals are disenfranchised, which reduces the number of eligible voters in the prison districts and magnifies the influence of their vote.</p> <p>Currently, four states (California, Delaware, Maryland, and New York) are taking a state-wide approach to adjust the Census population totals to count incarcerated people in their home district, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts.</p> <p>While this strategy lessens the problem in those four states, such an ad hoc approach is not an efficient solution overall nor will it work in every state. The Massachusetts legislature, for example, concluded that the state constitution did not allow it to pass similar legislation, so it sent the Bureau a resolution in 2014 urging the Bureau to tabulate incarcerated persons at their home addresses. <i>See The Massachusetts General Court Resolution "Urging the Census Bureau to Provide Redistricting Data that Counts Prisoners in a Manner Consistent with the Principles of 'One Person, One Vote'" (Adopted by the Senate on July 31, 2014 and the House of Representatives on August 14, 2014).</i></p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because the League of Women Voters of Wisconsin believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home address.</p>
c34	<p>On behalf of the State of North Carolina, we have read the 2020 Decennial Census Residence Rule and Residence Situations Federal Register notice of May 20, 2015. We are grateful that the Census Bureau has demonstrated a continuing commitment to producing accurate data to support state government, business, and public needs. We appreciate the opportunity to review and comment on the residence rules used in conducting the decennial census.</p>

The current Census residency rules do not count the deployed military in the military communities where they usually reside: During emergency deployments this process produces flawed data that harms funding and planning in military communities. Deployed military populations must be counted in the county of the military community in which they usually reside. For these reasons, North Carolina recommends the following changes to the Census residency rules for deployed military populations:

1. Assign Last Duty Station as the primary residency field from the Defense Manpower Data Center records for deployed military. This will allocate deployed military to their supporting community, is consistent with Census counting of group quarters populations at their group quarters community, and efficiently uses established administrative records resources already used by the Census Bureau.
2. Count deployed spouses with their families. Local experience in 2010 suggests that families of deployed spouses were confused by Census instructions and did not complete their Census form, increasing the undercount of population in military communities. Changing the residency rule and instructions to count deployed spouses with their family will simplify Census participation, reduce confusion, improve data quality, and count the deployed military in their usual place of residence.
3. Work with military bases, including National Guard and Reserve facilities, to locate more accurate administrative records for counting deployed military in their communities.
4. Use administrative records to provide socioeconomic characteristic information on the deployed military population.

Census data is vital to policy, service, and economic development of communities. Changing residency rules for deployed military populations to count these populations within a county is consistent with Census processes for other types of group quarters and provides more accurate information for military communities. We appreciate the value of reliable data, and North Carolina is committed to working with the Census Bureau to improve the quality of this valuable resource.

c35 I am submitting this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). I urge you to count incarcerated people at their home address, rather than at the particular facility in which they happen to be located on Census day.

Since my days in the Wisconsin State Senate, I have attempted to end the gerrymandering of prisoners in order to ensure equal representation. The Wisconsin Legislature did not accept my motion to change how prisoners were counted in the census. In Wisconsin, prisoners do not remain in the communities in which they were incarcerated, but rather, they return to their home communities. The originating home communities are then penalized due to the way the census is tabulated.

The growth in the prison population over the past decades necessitates the Census Bureau to update its methodology, as it relates to incarcerated persons. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million and now the number of incarcerated people has more than quadrupled, to over two million people behind bars. This longstanding flaw in the Census counts incarcerated people as residents of the prison location, even though they cannot vote and are not part of the surrounding community. The manner in which this population is counted now has huge implications for the accuracy of the Census. When you count incarcerated people in districts as legitimate constituents, it awards people who live close to the prison more of say in government than everybody else.

Further, the designation of a prison cell as a residence in the 2010 Census concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated individuals. In Wisconsin for instance, Milwaukee County contains 18% of the state population but the state's prison population is made up of 42% of

	<p>Milwaukee County residents. Virtually all of the state's prison cells are located outside of the county. In effect, each group of 9 residents in one particular district has as much political power as 10 residents elsewhere in the state. Wisconsin has historically drawn legislative districts so that their population- sizes are within 2% of the average. However, with the way incarcerated individuals are counted, Wisconsin awards greater political representation to districts with prisons than to those without them.</p> <p>Currently, four states (California, Delaware, Maryland, and New York) are taking a state- wide approach to adjust the Census' population totals to count incarcerated people at home, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts. The Massachusetts legislature, for example, concluded that the state constitution did not allow it to pass similar legislation, so it sent the Bureau a resolution in 2014 urging the Bureau to tabulate incarcerated persons at their home addresses. <i>See</i> The Massachusetts General Court Resolution "Urging the Census Bureau to Provide Redistricting Data that Counts Prisoners in a Manner Consistent with the Principles of 'One Person, One Vote'" (Adopted by the Senate on July 31, 2014 and the House of Representatives on August 14, 2014).</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Census Bureau strives to count everyone in the right place in keeping with changes in society and population realities. I urge you to count incarcerated people as residents of their home address.</p>
c36	<p>The Correctional Association of New York (CA) submits this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). We urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>The CA is an independent, non-profit organization founded by concerned citizens in 1844 and granted unique authority by the NY State Legislature to inspect prisons and to report its findings and recommendations to the legislature, the public and the press. Utilizing a strategic model of research, policy analysis, prison monitoring, coalition building, leadership development and advocacy, the CA strives to make the administration of justice in New York State more fair, efficient and humane. The CA's three principal programs - the Prison Visiting Project, the Women in Prison Project and the Juvenile Justice Project - work to stop the ineffective use of incarceration to address social, economic and public health problems; advocate for humane prison conditions; empower people directly affected by incarceration to become leaders; and promote transparency and accountability in the criminal and juvenile justice systems.</p> <p>Ending mass incarceration requires fair representation, but the Census Bureau's current methodology systematically shifts political power to legislators with large incarcerated populations in their districts. This "constituent" bonus incentivizes legislators to support maintaining bloated prison populations.</p> <p>But this wasn't always a problem; as you know, American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the growth in the prison population requires the Census to update its methodology again.</p> <p>The need for change in the "usual residence" rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the nation's incarcerated population has more than quadrupled to over two million people. The manner in which this population is counted now has huge implications for the accuracy of the Census.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated</p>

	<p>people.</p> <p>When this data is used for redistricting, prisons artificially inflate the political power of the areas where the prisons are located. In New York after the 2000 Census, for example, seven state senate districts only met population requirements because the Census counted incarcerated people as if they were upstate residents. For this reason, our state passed legislation to adjust the population data after the 2010 Census to count incarcerated people at home for redistricting purposes.</p> <p>While we and three other states (and over 200 counties and municipalities) all individually adjust population data to avoid prison gerrymandering, it makes far more sense for the Census Bureau to count incarcerated people at home, accurately counting incarcerated people nation-wide.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because the Correctional Association believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home address.</p>
c37	<p>I am writing concerning Federal Register Notice [Docket Number 150409353-5353-01] requesting comments regarding the 2020 Decennial Census Residence Rule and Residence Situations.</p> <p>I wish to begin by saying that these residence rules, developed through the Bureau's extensive experience through many decennial censuses, should remain as they are stated in the above referenced notice.</p> <p>I am particularly concerned about proposals to adjust group quarters residence rules for those incarcerated in prisons. The primary rule governing decennial census counts is that the enumeration should represent a "snapshot" of where persons are residing on Census Day, <i>not where they formerly resided</i>. Such adjustments will only open the door to further manipulation of the census counts to suit the sociological and political goals of persons proposing such rule changes.</p> <p>Furthermore, these changes could embroil the Bureau in political conflicts and decrease the confidence of the American public in the neutrality of the decennial census process. It could also decrease the participation rate in the enumeration with faulty census information. There may be a possibility that these adjustments could alter the numbers determining the reapportionment of the seats of the U. S. House among the States, and bring on unnecessary litigation.</p> <p>In 2010 Decennial Census process (New York, Maryland and Delaware) demonstrated that the procedures used yielded questionable results and, in some cases allocating inmate counts to general, rather than specific locations due to lack of sufficient information. It is also notable that the three states which engaged in prison adjustment in 2011 are Democrat-controlled states, and this adjustment would not have been done were it not advantageous to the party in power. <i>Once again, the Bureau should not act as an agent for increasing partisan advantage.</i></p> <p>The Bureau will have to deal with the issue that adjustment of individual counts for group quarter, from where they resided on Census Day to their former residence, may involve moving these counts to other states.</p> <p>Because of the expense and complexity of initiating this process on a nationwide basis, I believe such adjustments should be left up to the individual states, and not be imposed by the Federal Government.</p> <p>For these reasons, I oppose changes to the residence rules stated in the Federal Register notice, and urge the Bureau to readopt the previous rules. What is the MOTIVE behind changing it in the first place?!</p>
c38	<p>I am submitting this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). I urge you to count incarcerated people at their home address, rather than at the particular facility where they happen to be located on Census day.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated</p>

	<p>people. When this data is used for redistricting, prisons inflate the political power of those people who live near them, and take away the ability of people in the incarcerated peoples' home neighborhoods to fully participate in our democracy. This disturbs me hugely as a citizen.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because I believe in a population count that accurately represents communities, I urge you to count incarcerated people as residents of their home address.</p>
c39	<p>Common Cause in Connecticut submits this comment in response to the Census Bureau 's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). We urge you to count incarcerated people at their home address, rather than at the particular facility where they happen to be located on Census day.</p> <p>Common Cause is an organization dedicated to strengthening our laws to protect voting rights and to ensuring that every voter has an equal say in our elections. Using the Census counts to draw state and local legislative districts enhances the weight of a vote cast by people who live near prisons at the expense of everyone else in the state or county.</p> <p>As you know, American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the growth in the prison population requires the Census to update its methodology again.</p> <p>The need for change in the "usual residence" rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the number of incarcerated people as more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people.</p> <p>In Connecticut this resulted in the majority-white residents of 7 State House districts getting significantly more representation in the legislature because each of their districts included at least 1,000 incarcerated African Americans and Latinos from other parts of the state.</p> <p>For example, State House District 59, (Enfield) claimed more than 3,300 African Americans and Latinos as constituents. But 72% of the African Americans and 60% of Latinos were not actually residents of the district, but rather were temporarily incarcerated in the Enfield, Willard, and Robinson Correctional Institutions.</p> <p>The resulting dilution of African-American and Latino political power was not limited to the 59th district: 86% of the state's prison cells are located in disproportionately white house districts.</p> <p>We have been working to pass state legislation to end this problem in the state but the U.S. Census could do this nationwide.</p> <p>Currently, four states (California, Delaware, Maryland, and New York) are taking a state-wide approach to adjust the Census' population totals to count incarcerated people at home, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts.</p>

	<p>But this ad hoc approach is neither efficient nor universally implementable. The Massachusetts legislature, for example, concluded that the state constitution did not allow it to pass similar legislation, so it sent the Bureau a resolution in 2014 urging the Bureau to tabulate incarcerated persons at their home addresses. <i>See</i> The Massachusetts General Court Resolution "Urging the Census Bureau to Provide Redistricting Data that Counts Prisoners in a Manner Consistent with the Principles of 'One Person, One Vote'" (Adopted by the Senate on July 31 2014 and the House of Representatives on August 14, 2014).</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because Common Cause believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home address.</p>
c40	<p>As a former member of Maine Regional School Unit 13's Board of Directors I submit this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). I urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>As a former elected representative, I am keenly aware that democracy, at its core, rests on equal representation. And equal representation, in turn, rests on an accurate count of our population.</p> <p>Our Regional School Unit (RSU 13) uses a weighted voting system to apportion votes among the member towns. When we two districts consolidated to make one, we based the weighted vote system on Census Bureau estimates for 2006, we relied on Census data that counted the people incarcerated at the Maine State Prison as if they resided in the town of Thomaston. The prisoners had been moved to a neighboring town of Warren three years prior. This most unfortunate result gave every nine people in Thomaston as much of a say over our children's education as 10 residents from the other towns. This was a classic case of vote dilution.</p> <p>To some, this may seem like an academic discussion, but the distorted vote allocation has serious practical legislative consequences. In 2011, for example, a very narrow vote by the RSU 13 Board moved my town of St. George's 8th graders to an 8th and 9th grade school in Thomaston. (We have since withdrawn from the school district and this was a catalyst) The supporters of the school shift prevailed only because the representatives from Thomaston were able to cast additional votes because of the Census prisoner misallocation. It was tough to explain to my constituents why their vote was equal to that of somebody incarnated in Warren, but perhaps from New York. Simply put, it wasn't and isn't fair to the population to dilute the vote this way. I worked tirelessly to correct this matter, but it wasn't until petitions, and motions were filed trying to fix this, and finally the new number from the Census Bureau arrived. It wasn't until the new numbers arrived that this problem was finally corrected, but the damage was done.</p> <p>The RSU 13 eventually redistricted again, and this time, adjusted the Bureau's data but our reliance on the Bureau's data in the past left lasting harms. And while we solved the problem ourselves, albeit through a long drawn out exercise, and continue to apply our band-aid solution in the future, I doubt we're the only ones whose democratic institutions would benefit from more accurate data coming straight from the Census Bureau.</p> <p>Thank you for this opportunity to comment on your residence rules, all the work you do, and I urge you to count incarcerated people as residents of their home address.</p>
c41	<p>I write in response to your May 20 federal register notice regarding the Residence Rule and Residence Situations. Thank for giving the public a chance to contribute on this matter because it is one that I feel strongly about.</p> <p>I believe in a population count that accurately represents my community, I urge you therefore to count incarcerated people at their home</p>

	<p>address, rather than at the facility that they happen to be located at on Census day.</p> <p>For example a lot of people from New York City end up incarcerated in Dannemora, N.Y.S. From your Census count of 2010, <u>as you now count it</u>, we know Dannemora has 3, 936 <i>residents</i>. But that at least 2,800 of those '<i>residents</i>' are incarcerated men in the Clinton Correctional Facility in Dannemora.</p> <p>I lived, voted, and paid my taxes in New York City when a member of my community was incarcerated in Clinton Correctional Facility in Dannemora for several years.</p> <p>Neither he, nor any of his peers who came from N.Y.C. ever felt they were democratically represented by political representatives from that region. Quite simply, the political concerns of people living in N.Y.C. are very different from those of rural upstate Dannemora.</p> <p>I give a tiny example from our personal experience to show how unjust the situation is as it stands. I do this because I know our situation is not unique.</p> <p>One weekend when visiting said community member, I was walking back from the facility to my overnight accommodation across from the outside wall of the prison. I put some candy wrapper I had in a garbage can and walked on. I heard someone shouting, but thought nothing of it. The shouting continued and continued. I finally looked about and realized the shouting was indeed directed at me. It was a prison guard on duty high up on the tower in the prison. He told me to take my garbage out of the garbage bin because it was a private garbage bin, not for public use. I excused myself and did so, and then I asked him where I might find a public garbage bin. He thought for a moment, and then he said there were no public garbage bins in Dannemora. I asked what should I do with my garbage as I had come from NY for the weekend... He replied 'Take it back to New York City with you'.</p> <p>Ms. Humes, every weekend at least 100 people from N.Y.C. visit loved ones in Dannemora. The economy of Dannemora and surrounds receives millions yearly as a result of our loved ones being incarcerated there.</p> <p>Right now the Census Bureau recognizes Clinton Correctional Facility as the '<i>residence</i>' to 1000's of men from New York City. Over the years that is a count of several thousands of men from New York City who were or are counted as being '<i>residents</i>' of Dannemora.</p> <p>But the political representation for our loved ones incarcerated in Dannemora did not reach to include the availability of one garbage bin being on the street for use by their families when visiting them in their '<i>residence</i>' in Dannemora.</p> <p>This is only one tiny example. Most respectfully, one does not need to be a social nor political scientist to see this is not fair representation.</p>
c42	<p>I urge you to revise your procedures for including incarcerated people in future U.S. Censuses. The figures for incarcerated people are basic to redistricting and in areas with high prison populations, districts become unequal in voting eligible population when people who cannot vote are included in the census.</p> <p>In my state, Arizona, for example, there are districts with much higher prison populations than other districts. Some of the prisons are explicitly for the purpose of housing non-citizens waiting determination of status. None of these people are eligible to register to vote, yet they must be included in determining the size of the district.</p> <p>Further, incarcerated people are generally disproportionately members of minority groups. Since redistricting calls for fair representation</p>

	<p>of minorities in districts, counting the prison population who live in otherwise largely non-minority districts leads to unfair results. I recommend that you count these people as living at their home address, not their residential address.</p> <p>In the case of non-citizens, they should not be listed as residents of the prison area. There are a few large incarceration centers in Arizona established for the explicit purpose of housing non-citizens, but they are currently included when counting total population and minority population. This makes minority representation in a few districts highly misleading when redistricting since they cannot vote, both because of their citizenship status and their incarceration status.</p> <p>Thank you for your consideration.</p>
c43	<p>Family Reconciliation Center (formerly Reconciliation, Inc.) submits this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). We urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. When this data is used for redistricting, prisons inflate the political power of those people who live near them.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because Family Reconciliation Center believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home address.</p>
c44	<p>International Citizens United for Rehabilitation of Errants (CURE) and its state and issue chapters submit this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). International CURE urges you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>International CURE is a grassroots organization dedicated to the reduction of crime through the reform of the criminal justice system (especially prison reform.). Although we are now an international organization, we were founded in Texas in 1972 and our US National and state chapters remain at the core of our mission. We write to you now on behalf of and in conjunction with those chapters because we are concerned about the U.S. Census Bureau's role, however unintentional it might be, in tilting the US electoral system in favor of those who support mass incarceration and against those who seek a just criminal justice system.</p> <p>By counting incarcerated people as if a prison cell were their residence, the Census Bureau counts incarcerated people, who are disproportionately male, urban, and African-American or Latino, in the wrong place. When this data is used for redistricting, prisons inflate the political power of those people who live near them and dilute the votes of everyone else.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place. Because International CURE believes in a population count that accurately represents all communities, we urge you to count incarcerated people as residents of their home address in the decennial census.</p>
c45	<p>I am writing in response to your May 20 federal register notice regarding the Residence Rule and Residence Situations.</p> <p>A lot of people from my community end up in prison, and it's not fair that they get counted as if they were residents of the prison town instead of at home with us.</p>

	<p>Giving our political power to people who want to lock up more of our community members just doesn't make sense. Because I believe in a population count that accurately represents my community, I urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p>
c46	<p>The League of Women Voters of the Northwoods submits this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). We urge you to count incarcerated people at their home address, rather than at the particular facility where they happen to be located on Census day.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of the incarcerated people. For example, Wisconsin has historically drawn legislative districts so that their population-sizes are within 2% of the average. But by counting incarcerated individuals as part of the districts in which they are incarcerated, Wisconsin awards greater political representation to districts with prisons than to those without them. To make matters worse, the incarcerated individuals are disenfranchised. The number of eligible voters in the prison districts are reduced and the influence of the voters in the district is magnified. When this data is used for redistricting, prisons inflate the political power of the people who live near them.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because League of Women Voters of the Northwoods believes in a population count that accurately represents communities and the principles of one person, one vote, we urge you to count incarcerated people as residents of their home address.</p>
c47	<p>The League of Women Voters of Dane County (Wisconsin) submits this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). We urge you to count incarcerated people at their home address, rather than at the particular facility where they happen to be located on Census day.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and minority into just 5,393 Census blocks that are located far from the actual homes of the incarcerated people. When this data is used for redistricting, it removes power, influence, and financial resources from the neighborhoods from which this population comes and to which this population will return.</p> <p>Thank you for the opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because the League of Women Voters of Dane County (Wisconsin) believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home address.</p>
c48	<p>Californians United for a Responsible Budget (CURB) submits this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). We urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>As a statewide coalition of over 70 organizations, CURB is working to stop prison and jail construction, reduce the amount of people inside, and reinvest the saved resources into alternatives to incarceration, education, and restoring the social safety net.</p> <p>As you know, American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the growth in the prison population requires the Census to update its methodology again.</p>

	<p>The need for change in the “usual residence” rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the number of incarcerated people has more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. In California, this resulted in Los Angeles County being misrepresented. Los Angeles County contains 28% of California’s population, yet it only contains 3% of California’s state prison cells. In other words, few persons are incarcerated in Los Angeles County compared to the number of persons incarcerated that come from this county, which is 34%. According to the 2010 U.S. Census Summary, Blacks make up only 6% percent of California’s total population, yet they make up 27% of the incarcerated population.</p> <p>Currently, four states (California, Delaware, Maryland, and New York) are taking a statewide approach to adjust the Census’ population totals to count incarcerated people at home, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts.</p> <p>But this ad hoc approach is neither efficient nor universally implementable. The Massachusetts legislature, for example, concluded that the state constitution did not allow it to pass similar legislation, so it sent the Bureau a resolution in 2014 urging the Bureau to tabulate incarcerated persons at their home addresses. See The Massachusetts General Court Resolution “Urging the Census Bureau to Provide Redistricting Data that Counts Prisoners in a Manner Consistent with the Principles of ‘One Person, One Vote’” (Adopted by the Senate on July 31, 2014 and the House of Representatives on August 14, 2014).</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because CURB believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home address.</p>
c49	<p>I am writing in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations 80FR28950 (May 20, 2015). We are a church which is a community of faith by and for prisoners. They and their families become members. We network with prisoners during their incarceration and after their release. Over the years we have been involved in the movement to have prisoners counted for the Census at their home addresses rather than in the facility where they are located.</p> <p>For years district leaders and legislators in New York State have fought to have new prisons built in their district so that the prison population would add to the population of that district. Some districts would not exist if it were not for counting the prisoners. Prisons inflate the political power of those who reside there and minimize the power of those who live in the urban centers—who are chiefly African American and Latino,</p> <p>The practice of prison gerrymandering when government districts are drawn must stop.</p> <p>Thank you for the opportunity to comment on the Residence Rule and Residence Situations as the Census Bureau strives to count everyone in the right place in keeping with changes in society and population realities.</p> <p>We at the Church of Gethsemane believe in a population count that accurately represents communities. We are asking you to count incarcerated people as residents of their home addresses.</p>
c50	<p>I am writing in response to your May 20 federal register notice regarding the Residence Rule and Residence Situations.</p>

	<p>A lot of people from Dallas County end up in prison, and it's not fair that they get counted as if they were residents of the prison town instead of at home with us. Giving our political power to people who want to lock up more of our community members just doesn't make sense.</p> <p>Because I believe in a population count that accurately represents my community, I urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p>
c51	<p>Legal Services for Prisoners with Children (LSPC) submits this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). LSPC urges you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>Founded in 1978, Legal Services for Prisoners with Children (LSPC) enjoys a long history advocating for the civil and human rights of people in prison, their loved ones and the broader community. Our vision of public safety is more than a lock and key. We believe that the escalation of tough-on-crime policies over the past three decades has not made us safer. We believe that in order to build truly safe and healthy communities we must ensure that all people have access to adequate housing, quality health care and education, healthy food, meaningful work and the ability to fully participate in the democratic process, regardless of their involvement with the criminal justice system.</p> <p>California law says a prison cell is not a residence. "A person does not gain or lose a domicile solely by reason of his or her presence or absence from a place while ... kept in an almshouse, asylum or prison." (California Elections Code § 2025.) But a longstanding flaw in the Census counts incarcerated people as residents of the prison location, even though they can't vote and aren't a part of the surrounding community. When legislators claim people incarcerated in their districts are legitimate constituents, they award people who live close to the prisons more say in government and dilute the representation of everyone else. This is bad for democracy.</p> <p>As you know, American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the growth in the prison population requires the Census to update its methodology again.</p> <p>The need for change in the "usual residence" rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the number of incarcerated people has more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. For example, Los Angeles County contains 28% of California's overall population, and 34% of the state's prisoners' population. However, few prisoners are actually incarcerated in Los Angeles, which contains only 3% of California state prison cells. The consequences include, counting thousands of incarcerated men and women as members of the wrong communities and enhancing the political clout of the people who live near prisons. (<i>California 2010 Census Guide</i>. Peter Wagner, Mar. 2010. Web. 08 July 2015.)</p> <p>Another problem with the prison population in California is the racial disparities between Whites, African Americans, and Latinos. African Americans are over-represented in the prison and jails population; African Americans represent 7% of our population but 27% are incarcerated. Hispanics are also over-represented in California prisons and jails; Hispanics represent 38% of our total population and 41%</p>

	<p>are incarcerated. Compared to Whites who are underrepresented in California Prisons and jails; White make up 40% of our population but represent 26% of the incarcerated population. Because African-Americans and Latinos are disproportionately incarcerated, counting incarcerated people in the wrong location is particularly bad for proper representation of African-American and Latino communities. The Census Bureau needs to improve the accuracy of the data about the African-American and Latino population. (Wagner, Peter. "California Profile, Prison Policy Initiative." <i>California Profile</i>. N.p., n.d. Web. 08 July 2015.)</p> <p>Currently, four states (California, Delaware, Maryland, and New York) are taking a statewide approach to adjust the Census's population totals to count incarcerated people at home, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts.</p> <p>But this ad hoc approach is neither efficient nor universally implementable. The Massachusetts legislature, for example, concluded that the state constitution did not allow it to pass similar legislation, so it sent the Bureau a resolution in 2014 urging the Bureau to tabulate incarcerated persons at their home addresses. See The Massachusetts General Court Resolution "Urging the Census Bureau to Provide Redistricting Data that Counts Prisoners in a Manner Consistent with the Principles of 'One Person, One Vote'" (Adopted by the Senate on July 31, 2014 and the House of Representatives on August 14, 2014).</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. LSPC believes in a population count that accurately represents communities, so we urge you to count incarcerated people as residents of their home address.</p>
c52	<p>I am writing in response to your May 20 federal register notice regarding the Residence Rule and Residence Situations.</p> <p>A lot of people from my community end up in prison, and it's not fair that they get counted as if they were residents of the prison town instead of at home with us. Giving our political power to people who want to lock up more of our community members just doesn't make sense.</p> <p>Because I believe in a population count that accurately represents my community, I urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p>
c53	<p>Voice of the Ex-Offender (V.O.T.E.) submits this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). We urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>We at V.O.T.E. are interested in ending prison gerrymandering/ensuring equal representation in the entire United States. We are a membership-based organization founded and run by formerly incarcerated persons, and we believe that the communities that our members come from are the ones most impacted by the malapportionment that prison gerrymandering causes.</p> <p>As you know, American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, due to the massive growth in the prison population, the Census needs to update its methodology again.</p> <p>The need for change in the "usual residence" rule, as it relates to incarcerated persons, has been growing over the last few decades. In 1980, there were less than 10,000 people incarcerated in Louisiana, but by 2012, there were approximately 40,000 people incarcerated in the state of Louisiana alone. New Orleans, where V.O.T.E. is located, incarcerates more people per capita than anywhere in the world. As a result, the manner in which the incarcerated is counted has huge implications for the accuracy of the Census and for the political representation of</p>

	<p>the communities hardest hit by incarceration. In fact, over half of Louisiana's state prison population comes from just four parishes: Orleans, Caddo, East Baton Rouge, and Jefferson.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into facilities that are typically located far from the actual homes of incarcerated people.</p> <p>Because Louisiana has not passed legislation like California, Delaware, Maryland, and New York to adjust the Census' population totals to count incarcerated people at home for state legislative redistricting purposes, this flawed data distorts the legislative redistricting process at the state and, even more so, at the local level. For example, twelve of Louisiana's State House Districts and ten of Louisiana's State Senate Districts drawn after the 2010 Census fail to meet constitutional population requirements without prison populations. Locally, in Allen Parish, a federal prison population is 66% of one district, and a state prison is 39% of another district. In Catahoula Parish, half of one district is incarcerated, meaning five people in that district have as much voting power as ten people in any other one of Catahoula Parish's districts.</p> <p>We urge you to bring uniformity and simplicity to this process by counting incarcerated people at home in the next Census.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because Voice of the Ex-Offender believes in a population count that accurately represents communities, as we did in February 2013, we once again urge you to count incarcerated people as residents of their home address.</p>
c54	<p>Colorado Common Cause submits this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). For purposes of the census, we urge you to count incarcerated people at their last-listed home address, rather than at the particular facility where they happen to be incarcerated on Census Day.</p> <p>Redistricting is a top issue for Colorado Common Cause. We believe districts should fairly represent their communities. When county populations include people incarcerated in area prisons, state legislators use inaccurate information when re-drawing Congressional and legislative districts. The Census Bureau, to which most states – including Colorado – refer when apportioning residents for redistricting purposes, has the power to change this practice.</p> <p>As with many other states, the majority of people incarcerated in Colorado's prisons are convicted in urban counties but incarcerated in prisons located in rural counties. For example, fifty percent of the people admitted to prison in Colorado in 2012 were convicted in the urban counties of Denver, Arapahoe, Jefferson, and El Paso, but the great majority of incarcerated people in Colorado were housed in rural counties. Fremont County, Colorado, represents the most egregious example. Only 1.23% of the Colorado Department of Corrections' 2012 public prison population had a home address in Fremont County, but the county's six state prisons are the incarcerated address for 29 percent of the state's 2012 public prison population.</p> <p>Since the African American and Hispanic/Latino populations are disproportionately incarcerated in Colorado, and these populations tend to live in the state's urban areas, these populations are also misrepresented during the census by counting their prison cell as their residence. Votes cast in these prison districts carry more weight than others as a result of the artificial residency number, while the urban districts where the prisoners are from have less; this is a fundamental unfairness we seek to redress.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations. Because Colorado Common Cause believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home address</p>

	on Census Day.
c55	<i>This comment submission contains graphics and cannot be displayed in this table. It is available as Appendix Attachment c55.</i>
c56	<p>Grassroots Leadership submits this comment in response to the Census Bureau’s federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). We urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>Grassroots Leadership fights to end for-profit incarceration and reduce reliance on criminalization and detention through direct action, organizing, research, and public education. We are interested in ensuring fair political representation for the communities hardest hit by incarceration.</p> <p>As you know, American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the growth in the prison population requires the Census to update its methodology again.</p> <p>The need for change in the “usual residence” rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the nation’s incarcerated population has more than quadrupled to over 2 million people. The manner in which this population is counted now has huge implications for the accuracy of the Census.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. In Illinois, for example, 60% of incarcerated people have their home residences in Cook County (Chicago), yet the Bureau counted 99% of them as if they resided outside Cook County.</p> <p>When this data is used for redistricting, prisons artificially inflate the political power of the areas where the prisons are located. In New York after the 2000 Census, for example, seven state senate districts only met population requirements because the Census counted incarcerated people as if they were upstate residents. For this reason, New York passed state legislation to adjust the population data after the 2010 Census to count incarcerated people at home for redistricting purposes.</p> <p>In addition to New York, three other states (California, Delaware, and Maryland) are taking a similar statewide approach, and over 200 counties and municipalities individually adjust population data to avoid prison gerrymandering when drawing their local government districts.</p> <p>But this ad hoc approach is neither efficient nor universally implementable. The Massachusetts legislature, for example, concluded that the Massachusetts state constitution did not allow it to pass similar legislation, so it sent the Bureau a resolution in 2014 urging the Bureau to tabulate incarcerated persons at their home addresses. <i>See</i> The Massachusetts General Court Resolution “Urging the Census Bureau to Provide Redistricting Data that Counts Prisoners in a Manner Consistent with the Principles of ‘One Person, One Vote’” (Adopted by the Senate on July 31, 2014 and the House of Representatives on August 14, 2014).</p> <p>While Grassroots Leadership is a national organization, we have identified specific inaccuracies flowing from the Bureau’s current method of counting incarcerated persons in the state of Texas, where we are based. In two districts (District 13 near Walker County and District 8 near Anderson County), almost 12% of each district’s 2000 Census population is incarcerated. As a result, each group of 88 actual residents in these two districts is given as much political clout as 100 people elsewhere in Texas.</p>

	<p>In February 2013, we called upon the Census Bureau to change this practice, and we once again urge you to count incarcerated people as residents of their home address, ensuring a population count that accurately represents all communities.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations and your work to count everyone in the right place in light of changes in society and population realities.</p>
c57	<p>On behalf of my constituents, I am writing to support changing the Census Bureau’s residence rules to count incarcerated individuals at their homes, rather than designating prisons as their “usual residences.”</p> <p>As the prison population of the United States grows, it has become increasingly important to account for prisoners accurately in the Census. Prisons are often located in areas that otherwise have low population densities, so counting prisoners as residents of those areas is massively distorting. The current rule complicates the drawing of representative electoral districts, and it disproportionately misrepresents the residence of minority men.</p> <p>Counting prisoners at their home addresses is important in ensuring they are represented in our democracy. Prisoners’ legal residence remains their home address, and they usually return to that address when released. Those who can vote do so absentee using their home address; under Michigan law, they remain electors in their home districts. As a legislator, I can assure you that most of my colleagues do not treat prisoners brought into their districts as their constituents. Instead, prisoners are referred to the legislative office representing their home address.</p> <p>Michigan has done its best to keep misleading prison Census numbers from distorting redistricting, but the solution is far from perfect. Problems have arisen regarding federal facilities, and Michigan’s policies are different from those used in other states. In order to ensure that the same method is used to account for prisoners’ residences across the United States, I respectfully urge the Census Bureau to adjust the residence rule to count prisoners in their home districts. This change will provide better data both for social science and for drawing the electoral districts upon which our representative democracy depends.</p>
c58	<p>FairVote: The Center for Voting and Democracy submits these comments in response to the Census Bureau’s notice regarding the Residence Rule and Residence Situations, 80 Fed. Reg. 28950 (May 20, 2015) (the “Rule”). FairVote urges the Bureau to change the Rule to count incarcerated people not as residents of the facility in which they are housed during the Census but as residents of their home address or place of residence prior to incarceration.</p> <p>FairVote is a 501(c)(3) non-profit organization founded in 1992 whose mission is to advocate for fairer political representation through election reform. FairVote develops analysis and educational tools necessary to win and sustain improvements to American elections. FairVote is particularly dedicated to the principle of fair representation for every voter, and it works for reforms that promote respect for every vote and every voice in every election.</p> <p>As this comment describes, the problem of “prison gerrymandering” violates important democratic principles. Representatives are most accountable to non-voting populations when they represent their actual residences – the communities that share values and interests with those populations. When a person is incarcerated and moved to a different location, it does not mean that the representative in that location will be accountable to them; instead, it merely inflates the voting power of the community of voters in that new location while diminishing the voting power of their own home community.</p> <p>Under the current Rule, prison cells are designated as a residence. People who are incarcerated on Census Day are considered residents of the facility in which they are housed, rather than their actual homes or places of residence. As a result, a large segment</p>

of the population is classified as residing away from their actual homes and communities. This population also happens to be disproportionately male, urban, and African-American or Latino.

Since 1980, the United States' incarcerated population has more than quadrupled from less than half a million to over two million people. The rapid rise in the number of incarcerated people has major implications for the accuracy of the Census and, consequently, the accuracy of electoral districts drawn using that data.

The skewed Census data resulting from the Rule affects our political system at every level of government. Most jurisdictions rely on Census data to draw legislative districts with roughly equivalent populations. However, when the Census contains skewed residence information, districts containing prisons may be considered "equal" in size despite containing fewer residents. As a result, voters in these districts have more powerful votes than those of other districts. For example, in New York after the 2000 Census, seven state senate districts only met population requirements because the Census counted incarcerated people as if they were actual residents of those districts. This disparity led New York State to pass legislation to which adjusts Census data to count incarcerated people at home for redistricting purposes.

The inclusion of incarcerated people as district residents has led several states, including New York, to take action. New York has passed legislation which adjusts Census data to count incarcerated people at their actual or prior residences for the purposes of redistricting. California, Delaware, and Maryland are also taking a similar state-wide approach. In addition, more than 200 counties and municipalities have all individually adjusted population data to avoid artificially inflating the population of prison districts when drawing their local government districts.

However, this type of stop-gap is neither efficient nor available for all jurisdictions. The Massachusetts legislature was unable to pass legislation similar to that of New York after it concluded that the state constitution did not allow it. As a result, in 2014, the Massachusetts legislature sent a resolution to the Bureau urging it to tabulate incarcerated persons at their home addresses.¹

FairVote appreciates having the opportunity to comment on the Residence Rule and Residence Situations. As the Bureau strives to count all people in their proper place, FairVote urges that the Residence Rule and Residence Situations be amended to require counting incarcerated people as residents of their home address or place of residence prior to incarceration.

¹ See The Massachusetts General Court Resolution "Urging the Census Bureau to Provide Redistricting Data that Counts Prisoners in a Manner Consistent with the Principles of 'One Person, One Vote'" (Adopted by the Senate on July 31, 2014 and the House of Representatives on August 14, 2014).

c59 I am writing, in both my personal capacity and as a coordinator of research groups on de/incarceration here at _____ and in the community in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015).

Our members, situated in upstate and small town New York and active in local jail and prison research and teaching, urge the Census to record incarcerated persons in their home, originating, districts. This is commonly couched in New York and elsewhere as an issue for large cities, but as data on New York and other similar states would indicated, many prisoners return to small and rural towns—almost half of New York's released prisons return to "upstate" New York for example—well beyond the New York City metropolitan area.

If we want an accurate picture of the population we need to update the methodology of the Census. Some states have done this; it would be

	<p>very critical for the Census to change the “usual residence” rule as well. A federal standard would, moreover, provide a common basis for current state rulings which vary considerably.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations.</p>
c60	<p>Women Who Never Give-Up (“WWNG”) submits this comment in response to the Census Bureau’s federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). WWNG is a 501(c)(3) nonprofit organization that confronts a wide range of criminal justice and prison-related issues. We urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. When this data is used for redistricting, prisons inflate the political power of those people who live near them.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population. Because WWNG believes in a population count that accurately represents all communities, we urge you to count incarcerated people as residents of their home address.</p>
c61	<p>The Minnesota Second Chance Coalition submits this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). We urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>The Minnesota Second Chance Coalition is a partnership of over 50 organizations that advocate for fair and responsible laws, policies, and practices that allow those who have committed crimes to redeem themselves, fully support themselves and their families, and contribute to their communities to their full potential. An accurate count of incarcerated people is vital to ensuring fair representation that reflects our communities and advances these goals.</p> <p>As you know, American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the growth in the prison population requires the Census to update its methodology again.</p> <p>The need for change in the "usual residence" rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the number of incarcerated people as more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. In Minnesota, this resulted in four state house districts that derive at least 3% of their required population from prisons located in the district.</p> <p>Currently, four states (California, Delaware, Maryland, and New York) are taking a state-wide approach to adjust the Census' population totals to count incarcerated people at home, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts.</p>

	<p>But this ad hoc approach is neither efficient nor universally implementable. The Massachusetts legislature, for example, concluded that the state constitution did not allow it to pass similar legislation, so it sent the Bureau a resolution in 2014 urging the Bureau to tabulate incarcerated persons at their home addresses. See The Massachusetts General Court Resolution "Urging the Census Bureau to Provide Redistricting Data that Counts Prisoners in a Manner Consistent with the Principles of 'One Person, One Vote'" (Adopted by the Senate on July 31, 2014 and the House of Representatives on August 14, 2014).</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because the Coalition believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home address.</p>
c62	<p>The Council on Crime and Justice (The Council) submits this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). The Council urges you to count incarcerated people at their home address, rather than at the address of facility where they happen to be located on Census day.</p> <p>The Council on Crime and Justice is a private, non-profit agency located in Minneapolis, MN, that has been a leader in the field of criminal and social justice for over 56 years. The Council provides an independent voice for a balanced approach to criminal justice. It has also been at the forefront of many new programs in such areas as offender services, alternative sanctions, victim's rights, and restorative justice. The Council's work seeks a criminal justice system that is equitable and just, treats people with compassion and dignity, and allows for second chances, creating a safe and thriving community.</p> <p>As you know, American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the growth in the prison population requires the Census to update its methodology again.</p> <p>The need for change in the "usual residence" rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the number of incarcerated people has more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. In Minnesota this resulted in four state house districts that derive at least 3% of their required population from prisons located in the district.</p> <p>Currently, four states (California, Delaware, Maryland, and New York) are taking a state-wide approach to adjust the Census' population totals to count incarcerated people at home, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts.</p> <p>But this ad hoc approach is neither efficient nor universal implementable. The Massachusetts legislature, for example, concluded that the state constitution did not allow it to pass similar legislation, so it sent the Bureau a resolution in 2014 urging the Bureau to tabulate incarcerated persons at their home addresses. See The Massachusetts General Court Resolution "Urging the Census Bureau to Provide Redistricting Data that Counts Prisoners in a Manner Consistent with the Principles of 'One Person, One Vote'" (Adopted by the Senate on July 31, 2014 and the House of Representatives on August 14, 2014).</p>

c63	<p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because [org name] believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home address.</p> <p>The Criminal Justice Policy Coalition submits this comment in response to the Census Bureau’s federal register notice regarding the Residence Rule and Residence Situation, 80 FR 28950 (May 20, 2015).The Criminal Justice Policy Coalition urges you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>As a non-profit organization dedicated to the advancement of effective, just, and humane criminal justice policy in Massachusetts, the Criminal Justice Policy Coalition has a significant interest in ending prison gerrymandering and ensuring equal representation. The current Census Bureau policy of counting incarcerated people at their particular facility constitutes a violation of justice and democracy.</p> <p>As you know, American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the growth in the prison population requires the Census to update its methodology again.</p> <p>The need for change in the “usual residence” rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the number of incarcerated people has more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. In Massachusetts, this resulted in roughly 10,000 people counted at their facility location rather than their actual home, which is their legal address for other purposes.</p> <p>Currently, four states (California, Delaware, Maryland, and New York) are taking a statewide approach to adjust the Census’ population totals to count incarcerated people at home, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts.</p> <p>This ad hoc approach is neither efficient nor universally implementable. The Massachusetts legislature, for example, concluded that the state constitution did not allow it to pass similar legislation, so it sent the Bureau a resolution in 2014 urging the Bureau to tabulate incarcerated persons at their home addresses. See The Massachusetts General Court Resolution “Urging the Census Bureau to Provide Redistricting Data that Counts Prisoners in a Manner Consistent with the Principles of ‘One Person, One Vote’” (Adopted by the Senate on July 31, 2014 and the House of Representatives on August 14, 2014). In following our state’s initiative and the calls of other organizations such as the Prison Policy Initiative, we, the Criminal Justice Policy Coalition, urge the Census Bureau to count incarcerated people at their home address for the 2020 census.</p> <p>The Prison Policy Initiative also has identified specific inaccuracies at both the state and local levels flowing from the Bureau’s current method of counting incarcerated persons. Within Massachusetts, the most significant problems arise when towns rely on accurate data from the Census Bureau to assign representatives for their representative town meeting government, but the towns unknowingly use skewed numbers due to the Census Bureau methodology. For example, the town of Plymouth has a total of nine representative members, three of which are directly attributable to the Plymouth County Correctional Facility. That is, 33% of the representatives come from the incarcerated population. The same is the case in the town of Ludlow, where 5 of the 15 precinct representatives are attributable to the</p>
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	<p>Hampden County Correctional Center. Additionally, the people incarcerated in the Bristol County House of Correction and Jail, Bristol County Sheriff's Office Women's Center, and the C. Carlos Carreiro Immigration Detention Center account for 13 of the 44 representatives (30%) at Dartmouth town meeting.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because the Criminal Justice Policy Coalition believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home address.</p>
c64	<p>The National Association of Criminal Defense Lawyers (NACDL) submits this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). NACDL urges you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>The NACDL encourages, at all levels of federal, state and local government, a rational and humane criminal justice policy for America -- one that promotes fairness for all; due process for even the least among us who may be accused of wrongdoing; compassion for witnesses and victims of crime; and just punishment for the guilty. But such justice is hard to achieve when legislators gain constituents based on the number of prisoners the Bureau counts in their district.</p> <p>As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the nation's incarcerated population has more than quadrupled to over two million people. The manner in which this population is counted now has huge implications for the accuracy of the Census thus the fairness of redistricting.</p> <p>When this data is used for redistricting, prisons artificially inflate the political power of the areas where the prisons are located. In New York after the 2000 Census, for example, seven state senate districts only met minimum population requirements because the Census counted incarcerated people as if they were upstate residents. This is just one example of the recurring systematic shift of political power away from communities most affected by incarceration to communities that host large prisons. In New York this political shift stymied reform of the harsh Rockefeller Drug Laws long after the public came to understand that these mandatory incarceration laws were both ineffective and counterproductive. In addition, communities where prisoners are most likely to come from are not recipients of the economic benefits that exist for communities that are able to count prisoners as their residents. This further impedes the economic development of communities most in need.</p> <p>As you know, four states have passed legislation to adjust their redistricting to count incarcerated people at home for redistricting purposes. But this ad hoc approach is neither efficient nor practical.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place. Because NACDL believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home addresses.</p>
c65	<p>Cover Girls for Change submits this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). We urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>Cover Girls for Change is a platform highlighting the voices of models, whose faces are known but whose voices are often overlooked. We seek to advocate for social change through film, documentaries, and social advocacy and to raise the voices of the voiceless. We believe that this includes the over 2 million people incarcerated in the U.S. and their families and communities.</p>

	<p>As you know, American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the growth in the prison population requires the Census to update its methodology again.</p> <p>The need for change in the “usual residence” rule, as it relates to incarcerated persons, has been growing over the last few decades as the incarcerated population has expanded at a rate like never before in the history of the U.S. The manner in which this population is counted now has huge implications for the accuracy of the Census.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. Every two weeks for the last 4–5 years, I have been visiting a friend in prison. Thus, I am very familiar with the landscape of the prison system in New York, D.C., and the other places where my friend has been imprisoned. It is so clear from my experience that most prisons are located far away from the communities that incarcerated people are from. When this data is used for redistricting, prisons artificially inflate the political power of the areas where the prisons are located.</p> <p>In New York — where Cover Girls for Change is based — after the 2000 Census, seven state senate districts only met population requirements because the Census counted incarcerated people as if they were upstate residents. For this reason, New York State fortunately passed legislation to adjust the population data after the 2010 Census to count incarcerated people at home for redistricting purposes.</p> <p>New York is not the only jurisdiction taking action. Three other states (California, Delaware, and Maryland) are taking a similar statewide approach, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts.</p> <p>But this ad hoc approach is neither efficient nor universally implementable. The Massachusetts legislature, for example, concluded that the state constitution did not allow it to pass similar legislation, so it sent the Bureau a resolution in 2014 urging the Bureau to tabulate incarcerated persons at their home addresses. <i>See</i> The Massachusetts General Court Resolution “Urging the Census Bureau to Provide Redistricting Data that Counts Prisoners in a Manner Consistent with the Principles of ‘One Person, One Vote’” (Adopted by the Senate on July 31, 2014 and the House of Representatives on August 14, 2014).</p> <p>We previously called upon the Census Bureau to change its practice in 2013, and we once again urge you to count incarcerated people as residents of their home address.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities.</p>
c66	<p>On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the civil and human rights of all persons in the United States, we appreciate the opportunity to provide comments in response to the Census Bureau’s Federal Register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). The Leadership Conference considers a fair and accurate census, and the collection of useful, objective data about our nation’s people, housing, economy, and communities, among the most significant civil rights issues facing the country today. Today, the growth and disbursement of the prison population requires the Census Bureau to update its methodology with respect to the “usual place of residence” of incarcerated people, so that the size and power of the communities that host the prisons are not inflated at the expense of others. Therefore, we urge you to count incarcerated people as members of the community from which they come and not as</p>

members of the community in which they are incarcerated on Census Day.

The Census Bureau counts people in prison as if they were residents of the communities where they are incarcerated at the time of enumeration, even though they remain legal residents of the places they lived prior to incarceration. Because census data are used to apportion political representation at all levels of government, this practice gives extra political influence to people who reside in legislative districts that contain prisons and dilutes the votes cast in all other districts. This vote dilution is particularly extreme for urban and minority communities that have disproportionately high rates of incarceration.

The need for change in the “usual residence” rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million.ⁱ Since then, the nation’s incarcerated population has more than quadrupled to over two million people.ⁱⁱ The manner in which this population is counted now has huge implications for the accuracy of the census and the fair allocation of political representation and governmental resources.

By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 census blocks that are located far from the actual homes of incarcerated people.ⁱⁱⁱ In Illinois, for example, 60 percent of incarcerated people have their home residences in Cook County (Chicago), yet the Bureau counted 99 percent of them as if they resided outside of Cook County.^{iv}

When these data are used for redistricting, prisons artificially inflate the political power of the areas where the prisons are located. In New York after the 2000 Census, for example, seven State Senate districts only met population requirements because the census counted incarcerated people as if they were upstate residents. For this reason, the New York State Legislature passed legislation to adjust the population data after the 2010 Census to count incarcerated people at their home of record (that is, the place they resided before incarceration) for redistricting purposes.^v

The composition and structure of America’s population and households have changed dramatically in the 225 years since the first census. The census has evolved in response to many of these changes, in order to continue providing an accurate picture of the nation and to help policymakers meet society’s needs. Because The Leadership Conference supports a population count that accurately represents communities, we urge you to count incarcerated people as residents of their pre-incarceration household. We stand ready to work with you to ensure that the voices of the civil and human rights community are heard in this important, ongoing national conversation.

Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place, to reflect enormous demographic shifts, changes in the prison infrastructure, and the urgent needs of communities. If you have any questions about these comments, please contact _____, Managing Policy Director, at _____.

ⁱ NAACP, Criminal Justice Factsheet, available at <http://www.naACP.org/pages/criminal-justice-fact-sheet>.

ⁱⁱ *Id.*

ⁱⁱⁱ Prison Policy Initiative, Detailed Demographics of Correctional Populations Now Available for Nation (Sept. 13, 2011), <http://www.prisonersofthecensus.org/news/2011/09/13/sf1/>.

^{iv} Demos, *Testimony of Ben Peck, Senior Legislative and Policy Associate, Demos Before the National Advisory Committee on Racial, Ethnic and Other Populations of the U.S. Census Bureau on: The Census Count and Prisoners: The problem, the solutions and what the Census can do*, (Oct. 26, 2012), available at <http://www.demos.org/publication/census-count-and-prisoners-problem-solutions-and-what-census-can-do>.

^v Demos and Prison Policy Initiative, *States are Authorized to Adjust Census Data to End Prison-based Gerrymandering and many*

	<i>already do</i> (updated September, 2010), <i>available at</i> http://www.prisonpolicy.org/factsheets.html .
c67	<p>The Pennsylvania Prison Society submits this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). The Society urges you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>The Prison Society was founded in 1787 and is the oldest prison reform organization in the world. We have continued our mission of humane treatment and justice for over two centuries. We now provide reentry services to men and women incarcerated in Pennsylvania state correctional institutions and county jails. We also provide services to families of inmates. The families often undergo hardships while their loved ones are incarcerated. The neighborhoods they live in also need resources. These communities need support and representation.</p> <p>As you know, American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the growth in the prison population requires the Census to update its methodology again. In Pennsylvania alone, there are over 50,000 men and women in the state system.</p> <p>The need for change in the "usual residence" rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the number of incarcerated people as more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. When this data is used for redistricting, prisons inflate the political power of those people who live near them.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because The Pennsylvania Prison Society believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home address.</p>
c68	<p>Regarding B. 5. Students; (f) Foreign students living in the U. S. while attending college (living either on-campus or off-campus...):</p> <p>For Census 2020, I suggest changing the wording that pertains to the resident rules for students to include, "...while attending school (either college or high school)...".</p> <p>In Umatilla County, Oregon, we have a boarding school that houses foreign high school students. These students are from other countries, and are attending the boarding school during the school year. The boarding school is their usual place of residence for the school year, which is most of the year.</p> <p>While the numbers of foreign high school students at this boarding school is small (10 boys and 10 girls), there currently is no category in which to count or include these students even though they reside in the U.S. during most of the year. Likely there are other situations similar to the Umatilla County boarding school in other parts of the U.S.</p>
c69	<p>I am writing to you as the Chief of the Population Division in response to the federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015).</p> <p>In the last few Censuses I was counted as if I was a resident of the prison where I was incarcerated, not in Harlem New York City where I</p>

	<p>lived prior to my incarceration. This was not fair to my community, nor to any community in the state that didn't have a prison.</p> <p>It is particularly painful for me, as I was incarcerated for 23 years 11 months and 10 days for a crime I did not commit. Thanks to the efforts of a police officer who investigated the case in his private time, I am now out of prison.</p> <p>Clearly the elected representatives in Upstate New York do not have a desire to help people in their areas get out of prison. I am convinced though, that I could have been freed a lot sooner had I been able to ask for help from the political representatives in Harlem where I lived prior to my incarceration. But these people are already over-burdened, so as a policy they cannot offer assistance to <u>'residents outside their voting district'</u>.</p> <p>Although my situation is not common, it is not unique. I knew of 13 other innocent people during my time in prison. Eleven of them were from minority communities. They had the same experience as me, that is to say, they could not ask for support from the elected representatives in the areas where they lived before they were arrested.</p> <p>As you can see, a population count that accurately counts residents at their home address is very important, so I urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p>
c70	<p><i>This comment submission contains graphics and cannot be displayed in this table. It is available as Appendix Attachment c70.</i></p>
c71	<p>The Integrated Justice Alliance of New Jersey submits this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). The Integrated Justice Alliance urges you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>The Integrated Justice Alliance of New Jersey (IJA) is a statewide network working toward a fair and effective criminal justice system: one that promotes public safety and the restoration of individuals and families, protects and safeguards the rights of individuals in state custody, promotes transparency and ensures accountability, and spends taxpayer dollars wisely. Our website: http://www.integratedjusticealliance.org/</p> <p>The IJA is dedicated to ending prison gerrymandering in order to ensure equal representation across our state. In 2011, members of the IJA gave testimony before the Apportionment Commission of New Jersey in Toms River (1-29-2011), Newark (2-9-2011), and Jersey City (2-11-2011) to request that we count incarcerated people fairly as residents of their home communities and not in the communities where they are incarcerated. We also gave testimony on May 14, 2012 before the New Jersey Senate State Government, Wagering, Tourism, and Historic Preservation Committee in support of Senate Bill 1055: Ending Prison-Based Gerrymandering in New Jersey.</p> <p>The IJA was also one of more than 200 signators of a letter to Census Bureau Acting Director Thomas Mesenbourg (of February 14, 2013), requesting that the Census Bureau count incarcerated persons at their home address.</p> <p>As you know, American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the exponential growth in the prison population of the past 30 years requires the Census to update its methodology again.</p> <p>The need for change in the "usual residence" rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the number of incarcerated people has more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census.</p>

	<p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. In New Jersey, the state's prison population comes disproportionately from certain counties: Essex County (Newark) is home for less than 9% of the state, but 16% of its incarcerated people; Camden County (Camden) is home for 6% of the state, but 12% of its incarcerated people. Crediting the state's incarcerated population to the census blocks that contain the state's 13 correctional facilities serves to enhance the weight of a vote cast in those 13 districts, while diluting the votes cast in every other district.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because the Integrated Justice Alliance of New Jersey believes in a population count that accurately represents all communities, we urge you to count incarcerated people as residents of their home address.</p>
c72	<p>I represent Senate District _____, _____ and submit this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). I urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>As an elected representative, I am keenly aware that democracy, at its core, rests on equal representation. And equal representation, in turn, rests on an accurate count of the nation's population.</p> <p>As you know, American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the growth in the prison population requires the Census to update its methodology again.</p> <p>The need for change in the "usual residence" rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the number of incarcerated people has more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. Also, in Missouri, after the 2000 Census, each House district in Missouri should have had 34,326 residents. District 113, which claimed the populations of 2 large prisons, however, had only 30,014 actual residents. This means that the actual population of the district was 10% smaller than the average district in the state.</p> <p>Currently, four states (California, Delaware, Maryland and New York) are taking a state-wide approach to adjust the Census' population totals to count incarcerated people at home, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts.</p> <p>But this ad hoc approach is neither efficient nor universality implementable. It makes far more sense for the Bureau to provide accurate redistricting data in the first place, rather than leaving it up to each state to have to adjust the Census' data to count incarcerated people in their home district.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place and keeping with changes in society and population realities. Because democracy relies on a population count that accurately represents communities. I urge you to count incarcerated people as residents of their home address.</p>

c73	<p>I am writing in response to your May 20 federal register notice regarding the Residence Rule and Residence Situations.</p> <p>A lot of people from the city I live in end up in prison, and it's not fair that they get counted as if they were residents of the prison town instead of at home. Giving their political power to people who want to lock up more of our community members just doesn't make sense.</p> <p>Because I believe in a population count that accurately represents my community, I urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p>
c74	<p>LatinoJustice PRLDEF submits this Comment in response to the Census Bureau's Federal Register Notice regarding the 2020 Decennial Residence Rule and Residence Situations, 80 FR 28950 (Released May 20, 2015). We write to urge the U.S. Census Bureau to count and enumerate incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>LatinoJustice PRLDEF, originally established as the Puerto Rican Legal Defense and Education Fund (PRLDEF) in 1972, is one of the country's leading nonprofit civil rights public interest law organizations. We work to advance, promote and protect the legal rights of Latinas and Latinos¹ throughout the nation. Our work is focused on addressing systemic discrimination and ensuring equal access to justice in the advancement of voting rights, housing rights, educational equity, immigrant rights, language access rights, employment rights and workplace justice, seeking to address all forms of discriminatory bias that adversely impact Latinas and Latinos.</p> <p>As a civil rights organization, we are directly concerned with how Latinas, Latinos, and other communities of color may be impacted by current Census Residence Rules and Residence Situations, particularly where population counts based on Census Residence Rules are employed by elected and appointed officials in redistricting and apportionment schemes. Our organization has litigated in support of New York's state law in <i>Little v. LATFOR</i>, which we discuss more in detail below. We believe that ensuring equal representation is imperative to the health of the nation, because it allows for a just democratic system and avoids any racially discriminatory effects of prison gerrymandering.</p> <p>Prison gerrymandering occurs when incarcerated people are counted in the facilities where they are temporarily detained, which inevitably misconstrues population demographics for state and local redistricting purposes.² Partisan political interests that control the redistricting process often engage in prison gerrymandering, using captive prison populations to increase partisan representation.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African American or Latino into just 5,393 Census blocks that are removed far from the actual homes of incarcerated people.³ In Illinois, for example, 60% of incarcerated people's home residences were in Cook County, yet the Bureau counted 99% of them as if they resided outside Cook County.⁴ When this data is used for redistricting, prisons artificially inflate the political power of the areas where the prisons are located. The consequences of the Bureau's decision to count incarcerated people in the city or town where a prison facility is located carries long-lasting effects, both in the communities where detained people come from and return to, as well as the communities in which detained people are temporarily held.⁵</p> <p>The Bureau should change its current practice of counting incarcerated people's "usual residence" in state prison facilities to their last primary permanent residence or "usual residence" as identified by those incarcerated for three critical reasons, discussed in detail below.</p> <p><u>First, the current method of counting incarcerated people in communities where a prison facility is located is untenable, because it is not an accurate count of the population.</u></p>

The current use of prisons as a "usual residence" for those detained there misconstrues the actual population sizes of communities across the country and results in inadequate community representation in the redistricting context. Census counts of incarcerated people in prisons as a "usual residence" may lead to illegal gerrymandering in state based apportionment or redistricting, where largely white rural populations are overrepresented and more diverse urban populations are underrepresented⁶ due to the location of the prison itself.

African Americans are incarcerated at a rate about 5 times higher than whites and Latinos are incarcerated at a rate about 2 times higher than non-Latino whites, underscoring the racially discriminatory implications of prison gerrymandering,⁷ which can lead to potential vote dilution. In 2000, African Americans and Latinos only made up a quarter of the general population but represented almost 63% of the incarcerated population in the whole United States.⁸ In 2010, there were 20 counties across the United States where the incarcerated Latino population outnumbered Latinos who were not incarcerated in those same counties – in California, Colorado, Florida, Illinois, Kentucky, Missouri, New York, Pennsylvania, Virginia and West Virginia.⁹ This creates inaccuracies on a large scale that labels counties as "diverse" when they are not, and in fact, the majority of the Latino population detained in these communities is segregated by prison walls from the rest of the population. When state legislatures used this flawed data to draw or apportion legislative districts, they impute Latino political clout and political participation to districts where Latinos in actuality have little to no civic voice.¹⁰

An overwhelmingly large number of Latinos are thus discounted from their communities of origin and enumerated in counties with a very different demographic and geographic profile than their own,¹¹ since most states incarcerate people far from their usual place of residence. In states as populous as New York, Pennsylvania, Illinois, Georgia, Florida and Texas, Latinos are more likely to be locked up in prisons located in communities that remain largely white, non-diverse, and miles apart, both literally and figuratively, from communities in their home counties.¹²

More often than not, the majority of state prison populations housed in rural areas were counted there despite maintaining a prior usual residence in urban metropolitan areas such as New York City, Chicago, Detroit, Los Angeles and Philadelphia—all of which include significant African American and Latino communities.¹³ In 2000, only 25% of New York's state population lived upstate, yet 91% of detained people in state prisons were incarcerated there.¹⁴ In Illinois, 60% of detained people previously resided in Chicago, yet 99% of the prisons were located elsewhere.¹⁵ In California, 30% of incarcerated people hailed from Los Angeles County, but only 3% of them were located there.¹⁶ Forty percent of incarcerated people in Pennsylvania were from Philadelphia, but the city had no state prisons, hence, no people who were detained were counted in Philadelphia.¹⁷

In Michigan, 30% of the state's incarcerated people were from Detroit, but only 11% of the state's cells were located there.¹⁸ The Census Bureau is therefore inaccurately counting the size of the populations in many urban communities that detained people are actually members of, by counting them in the community where the prison is located.

The use of the prison location itself as a "usual residence" for Census population counts is also misleading and results in inaccurate conclusions¹⁹ for apportionment purposes. Some counties were reported to be growing when in fact it was their prison population that was increasing.²⁰ With regard to Latino populations, many counties may report a large number of Latino residents because they have a large Latino population that is incarcerated.²¹ In actuality, the Latino population is overrepresented in counties where they are not residing by choice.²² In turn, they are underrepresented in their actual place of "usual residence" and communities of origin.²³ This creates a high risk for inaccuracies and increases the risk of a distinctively racially discriminatory impact on the representation of African American and Latino communities.²⁴

Second, the current method of counting incarcerated people in communities where a prison facility is located is untenable because it contributes to possible unlawful gerrymandering in violation of the Equal Protection Clause under the Fourteenth Amendment, as well as potential vote dilution.

These outcomes do not appear to comport with the Supreme Court's Fourteenth Amendment equal protection jurisprudence "one person one vote" standard.²⁵ In *Gray v. Sanders*, the Supreme Court held that Georgia's county-unit system was in violation of the Equal Protection Clause because the method of counting votes diluted a person's vote as the county population increased, therefore, rural votes weighed far more than the urban vote.²⁶

The U.S. Supreme Court made clear in *Reynolds v. Sims*, 337 U.S. 533 (1964), that the "one person one vote" standard requires that voting districts contain relatively equal population numbers, so that individual voting power is equalized in accordance to the Fourteenth Amendment.²⁷ In *Wesberry v. Sanders*, the Court established that equal representation for the number of people is a fundamental principal of our government.²⁸ Race, sex, economic, status, or place of residence must not undermine this fundamental principle.²⁹

Given that state and local governments use Census data to redistrict for voting purposes, the current method of counting prisons as a "usual residence" may contribute to the potential violation of the equipopulous "one person, one vote"³⁰ standard, which may also lead to unlawful vote dilution.³¹

Unlawful vote dilution occurs whenever a State minimizes or cancels out the true voting strength of a racial or language minority under the Federal Voting Rights Act of 1965. What triggers the protections of the Act is the existence of disproportionality in the execution of what may otherwise be race-neutral policies. The combination of the Census Bureau's usual residence rule as it exists today along with the racially skewed disproportionate outcomes of many criminal justice systems in the United States could result in minimizing the collective voting strength of Latino and African American communities. For example, on a national scale, 1 out of every 15 African American men are incarcerated, and 1 out of every 36 Latino men in the U.S. are incarcerated.³² Compared to the ratio of 1 of every 106 white men³³ incarcerated, the outcomes of the criminal justice system exacerbate the loss of concomitant political power in minority communities, and therefore dilute minority voting strength.

In New York, this was evident before the state legislature corrected the usual residence policy for state and local redistricting. Latinos in New York State were 18 % of the general population³⁴ but were overrepresented at 22% of the state prison population.³⁵ This raises direct concerns over potential vote dilution of Latino voting strength. Study after study³⁶ has shown that state criminal justice systems in fact carry a racially discriminatory effect where they disproportionately disenfranchise people of color, whether or not such disenfranchisement is intentional. This creates unlawful racial gerrymandering and vote dilution where prison populations reflect the systemic over-incarceration of African American and Latino communities. This practice not only mischaracterizes the demographics of the community and constituents represented, it also reinforces systemic ethnic and racial inequality.³⁷

In addition, nine of the state house districts in Connecticut were able to meet the federal minimum population in Connecticut 's 2011 statewide redistricting process by including the prison populations in those areas.³⁸ Connecticut 's Enfield District reported 3,300 African American and Latinos residing in their district, when in reality, 72% of the African American and 60% of the Latino populations of that district were incarcerated in the local correctional facilities.³⁹ Hence, African American and Latino voting power was not only potentially diluted, it was largely displaced in these largely rural, white communities from largely African American and Latino communities.⁴⁰

In at least seven state house districts in Connecticut, white residents gained significantly more power because of the minimum 1,000 incarcerated African American and Latino people that were counted in their districts.⁴¹ This in effect gave the largely white population who lived near the prisons extra electoral clout compared to the largely African American and Latino neighborhoods in urban areas of Connecticut that are the home districts of these prisoners. In addition, by counting the incarcerated population in the town's general population, the prison population remains physically and forcefully segregated from the surrounding community.

Prison gerrymandering could also lead to a potential vote dilution claim under Section 2 of the Voting Rights Act of 1965 (VRA).⁴² Voting rights advocates have suggested that in order to bring a Section 2 claim, the plaintiff must specifically indicate a remedy to their claim, and reallocating incarcerated people to their place of prior permanent residence could serve as a Section 2 remedy.⁴³ This could equalize voting in both communities with and without prison facilities because incarcerated people will no longer be misplaced in the location of the prison where they are held. Despite the Ninth Circuit's opinion in *Farrakhan v. Gregoire* that a Section 2 vote dilution challenge under the VRA based on felony disenfranchisement required a showing of intentional discrimination by the state criminal justice system itself,⁴⁴ the U.S. Supreme Court has upheld the Section 2 VRA vote dilution standard to address discriminatory effect as well as discriminatory intent.⁴⁵

Third, it is imperative for the Bureau to change its current method of counting incarcerated people in communities where the prison facility is located, because over 200 counties and municipalities in a majority of states do not count or consider prisons as a "usual residence" in redistricting.

Over 200 counties and cities in a majority of states avoid prison-based gerrymandering through state constitutional provisions and/or state and local legislation.⁴⁶ At last count, 225 of these cities and counties do not count prisons as a "usual residence" for local and state based redistricting and apportionment counts, and instead rely on detained people's usual residence prior to incarceration.⁴⁷

Municipalities in states with the largest Latino populations are amongst the majority, and include municipalities in Arizona, California, Colorado, Connecticut, Florida, Illinois, New Mexico, Nevada, New Jersey, New York, and Texas.⁴⁸ Of these states, Arizona, California, Connecticut, Florida, New York and Texas contain explicit language in their state laws that an incarcerated person's domicile does not change when they are in a state or public prison.⁴⁹ Colorado, Nevada and New York include similar language in their state constitutions.⁵⁰

In New York, in particular, after the 2000 Census, seven state senate districts only met population requirements in state apportionment because the Census counted detained people as if they were upstate residents.⁵¹ The New York State Constitution makes clear that "For the purpose of voting, no person shall be deemed to have gained or lost a residence... while confined in any public prison."⁵² For this reason, New York State passed legislation to adjust the population data after the 2010 Census, to count incarcerated people at their home addresses in state legislative apportionment and redistricting.⁵³

In *Little v. LATFOR*, the Supreme Court of the State of New York in Albany upheld this state law that requires incarcerated people to be reported under their address prior to incarceration.⁵⁴ The Court reasoned that there was nothing in the record that indicated that the incarcerated people had any permanency in the locations of the facilities or that they intended to remain there after their release.⁵⁵ The Court found that the Department of Corrections and Community Supervision decided when and where incarcerated people would be transferred, not the incarcerated people themselves.⁵⁶ There were no records that indicated that the incarcerated people had ties to the communities where they were incarcerated, where they were "involuntarily and temporarily located."⁵⁷

Following the ruling in *Little*, it would be incongruous at best, and erroneous at worst, for the U.S. Census Bureau to count incarcerated people living in the communities where prison and criminal detention facilities are located, because incarcerated people are both *de jure* and *de facto* excluded from participating in the civic life of these communities. People incarcerated for felony convictions, for example, cannot vote in virtually every state in the country due to felony disenfranchisement laws.⁵⁸ California, Florida, Texas, and New York are among the states that disenfranchise people who are serving time in state prisons for felony convictions.⁵⁹ Furthermore, people so detained cannot purchase homes, become employed, or make a living while they are incarcerated.⁶⁰

California and New York, two states with the largest Latino populations,⁶¹ are joined by Delaware and Maryland in taking a statewide approach to avoiding prison gerrymandering, modifying the Census Bureau data to count detained people in their residence prior to their incarceration.⁶² Counting detained people in their prior residence serves not only the ideals of equity and equal protection in democracy, but is also rooted in the understanding that people who are detained are transferred often and incarcerated in distinctly different jurisdictions temporarily.

Most incarcerated people do not choose the location of the facility where they will be incarcerated, nor the length of time they will be incarcerated at that facility.⁶³ The average state prison term is 34 months, and during their sentence, detained people may be transferred to a different facility numerous times, at the state custodial agency's discretion.⁶⁴ In New York, for example, the median time served in a facility for 2007 was seven months.⁶⁵ When the Census Bureau counts detained people where they are temporarily incarcerated, it appears to contradict the Bureau's goal of accuracy in enumeration, because the Bureau is recognizing a temporary, involuntary stay as a "usual residence".⁶⁶ Once detained people complete their sentence, they are not allowed to remain in the facility; they are more likely than not to return to the community where they lived prior to being forcibly removed.⁶⁷

As the most comprehensive data collection system in the United States, the U.S. Census Bureau can improve its accuracy and efficacy by counting incarcerated people in their last primary residence rather than in their facility where they are temporarily detained. Because it is a resource that government agencies at all levels rely on to make vital decisions for all of its communities, it is imperative that the U.S. Census Bureau report all incarcerated persons in their "usual residence" as defined by the persons themselves, or based on the last residence the incarcerated person resided prior to incarceration.⁶⁸ A majority of the states have at least one city or county that favors this change.⁶⁹ The U.S. Census Bureau should follow suit to achieve a more accurate and fair count of the U.S. population by changing its policy.⁷⁰

Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because LatinoJustice PRLDEF believes in a population count that accurately and equitably represents the demographics of diverse communities, we urge the U.S. Census Bureau to count incarcerated and detained people as "usual residents" at their regular or permanent home addresses.⁷¹

¹ As used in this Comment, the terms "Hispanic" or "Latino" are used interchangeably as defined by the U.S. Census Bureau and "refer to a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race." Karen R. Humes, Nicholas A. Jones & Roberto R. Ramirez, *Overview of Race and Hispanic Origin: 2010*, 2010 Census Briefs, 1, 2 (March, 2011), <http://www.census.gov/prod/cen2010/briefs/c2010br02.pdf>.

² See Peter Wagner, Eric Lotke & Andrew Beveridge, *Why the Census Bureau can and must start collecting the home addresses of incarcerated people*, Prison Policy Initiative (February 10, 2006), <http://www.prisonpolicy.org/homeaddresses/report.html>.

³ See *2010 Group Quarters Shapefile*, Prison Policy Initiative, www.prisonersofthecensus.org/data/2010/groupquartersshapefile.html (last visited Jul. 13, 2015).

⁴ Rose Heyer & Peter Wagner, *Too big to ignore: How counting people in prisons distorted Census 2000*, Prison Policy Initiative (April 2004), <http://www.prisonersofthecensus.org/toobig/size.html>.

⁵ *Id.*

⁶ Michelle Davis, *Assessing the Constitutionality of Adjusting Prisoner Census Data in Congressional Redistricting: Maryland's Test Case*, 43 U. Balt. L.F. 35, 60 (2012), citing Prison Policy Initiative & Demos, *The Census Count and Prisons: The Problem, the Solutions and what the Census Can Do* (Oct. 4, 2010), http://www.demos.org/sites/default/files/publications/FACTSHEET_PBG_WhatCensusCanDo_Demos.pdf.

⁷ See Peter Wagner & Daniel Kopf, *The racial geography of mass incarceration*, Prison Policy Initiative (July 2015), <http://www.prisonpolicy.org/racialgeography/report.html>. See also Wagner et al., *Why the Census*, *supra* note 2.

⁸ Heyer & Wagner, *supra* note 4.

⁹ Wagner & Kopf, *supra* note 7.

¹⁰ *Id.*

¹¹ Heyer & Wagner, *supra* note 4.

¹² *Id.*

¹³ See Nathaniel Persily, *The Law of the Census: How to Count, What to Count, Whom to Count, and Where to Count Them*, 32 Cardozo L. Rev. 755, 787 (2011) ("[i]n several states, such as New York and Illinois, the prison population is heavily minority and from urban centers, while prisons are located in rural, largely white counties.").

¹⁴ Heyer & Wagner, *supra* note 4.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Heyer & Wagner, *supra* note 4.

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ See Persily, *supra* note 13, at 787 ("[i]n several states, such as New York and Illinois, the prison population is heavily minority and from urban centers, while prisons are located in rural, largely white counties.").

²⁵ See, e.g., *Gray v. Sanders*, 372 U.S. 368, 379 (1963) ("How then can one person be given twice or ten times the voting power of another person in a state-wide election merely because he lives in a rural area or because he lives in the smallest rural county? Once the geographical unit for which a representative is to be chosen is designated, all who participate in the election are to have an equal vote [. . .]. This is required by the Equal Protection Clause of the Fourteenth Amendment"); *Reynolds v. Sims*, 377 U.S. 533, 566 (1964).

²⁶ *Gray*, 372 U.S. at 379.

²⁷ *Reynolds*, 377 U.S. at 566.

²⁸ *Wesberry v. Sanders*, 376 U.S. 1, 84 S.Ct. 526 (1964).

²⁹ *Id.*

³⁰ U.S. Const. amend. XIV § 1; U.S. Const. amend. XV § 1; *Reynolds*, 372 U.S. at 566.

³¹ See Peter Wagner, *Breaking the Census: Redistricting in an Era of Mass Incarceration*, 38 Wm. Mitchell L. Rev. 1241, 1244 (2012), <http://web.wmitchell.edu/law-review/wp-content/uploads/Volume38/documents/2.Wagner.pdf>; see also Davis, *supra* note 6, at 38 (citing Dale E. Ho, *Captive Constituents: Prison-Based Gerrymandering and the Current Redistricting Cycle*, 22 Stan. L. & Pol'y Rev. 355, 388 (2011)).

³² This data pertains to African American, Latino and white men of ages 18 and older. African American men ages 20-34 have a much higher rate of 1 in 9. The PEW Center on the States, *One in 100: Behind Bars in America 2008*, 6, 40 (February 2008), http://www.pewtrusts.org/-/media/legacy/uploadedfiles/pcs_assets/2008/one20in20100pdf.pdf.

³³ *Id.*

³⁴ Sharon R. Ennis, Merays Rios-Vargas, & Nora C. Albert, *The Hispanic Population: 2010*, 2010 Census Briefs, 1, 6 (May 2011), <http://www.census.gov/prod/cen2010/briefs/c2010br-04.pdf>.

³⁵ These numbers reference the percentage of Latinos in prisons and jails. See Leah Sakala, *Breaking Down Mass Incarceration in the 2010 Census: State-by-State Incarceration Rates by Race/Ethnicity*, Prison Policy Initiative (May 28, 2014), http://www.prisonpolicy.org/graphs/2010percent/NY_Hispanics_2010.html.

³⁶ Several major studies recognize the growing Latino population affected by disenfranchisement, approaching the rates suffered by African American communities. See Christopher Uggen, Sarah Shannon & Jeff Manza, *State-Level Estimates of Felon Disenfranchisement in the United States, 2010*, The Sentencing Project, 1,10 (July 2012), http://sentencingproject.org/doc/publications/fd_State_Level_Estimates_of_Felon_Disen_2010pdf; see also Nancy E. Walker, Francisco A. Villarruel, J. Michael Senger, & Angela M. Arboleda, *Los Opportunities: The Reality of Latinos in the U.S. Criminal Justice System*, National Council of La Raza, (2004), http://www.nclr.org/images/uploads/publications/file_Lost_Opportunities_PDF.pdf; Marisa J. Demeo & Steven A. Ochoa, *Diminished Voting Power in the Latino Community: The Impact of Felony Disenfranchisement Laws in Ten Targeted States*, MALDEF (December, 2003), http://maldef.org/assets/pdf/FEB_I_8-LatinoVotingRightsReport.pdf.

³⁷ See sources cited *supra* note 36.

³⁸ *Prison Gerrymandering in Connecticut*, Prison Policy Initiative & Common Cause Connecticut (April 9, 2014), <http://www.prisonersofthecensus.org/factsheets/ct/ct.pdf> (hereinafter "*Prison Gerrymandering*").

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² Davis, *supra* note 6 at 38 (citing Ho, *Captive Constituents*, at 388).

⁴³ *Id.*

⁴⁴ *Farrakhan v. Gregoire*, 623 F.3d 990, 992 (9th Cir. 2010).

⁴⁵ See *Thornburg v. Gingles*, 478 U.S. 30, 44. (1986) (citing S. REP. NO. 97-417 at 2, 27-29, 36); see also *White v. Regester*, 412 U.S. 755, 767-70 (1973) (establishing the "results"-based standard Congress intended to follow in establishing the civil VRA cause of action); S. REP. NO. 97-417, 97TH CONG. 2ND SESS. at 28 (1982) (repudiating the Court's intent requirement in *Mobile v. Bolden*, 446 U.S. 55, 60-61 (1980)).

⁴⁶ See A.R.S. § 16-593 (2015) (Arizona law); Cal. Elec. Code § 21003 (2015) (California law); Conn. Gen. Stat. § 9-14 (2014) (Connecticut law); Fla. Stat. § 101.045 (2015) (Florida law); N.M. Stat. Ann. § 1-1-7 (West 2015) (New Mexico law); Nev. Rev. Stat. Ann. § 293.487 (2013) (Nevada law); N.Y. Const. art. II, § 4 (New York Constitution); N.Y. Elec. Law § 5-104 (McKinney 2015); N.Y. Correct. Law § 71(8) (McKinney 2015) (New York laws); N.C. Gen. Stat. § 163-57 (2014) (North Carolina law); Tex. Elec. Code Ann. § 1.015 (West 2013) (Texas law); *Local Governments that Avoid Prison-based Gerrymandering* Prison Policy Initiative, May 29, 2015, <http://www.prisonersofthecensus.org/local/> (hereinafter "*Local Governments*").

⁴⁷ *Local Governments*, *supra* note 46.

⁴⁸ Emus et. al, *supra* note 34.

⁴⁹ See A.R.S. § 16-593 (2015) (Arizona law); Cal. Elec. Code § 21003 (2015) (California law); Conn. Gen. Stat. § 9-14 (2014) (Connecticut law); Fla. Stat. § 101.045 (2015) (Florida law); N.M. Stat. Ann. § 1-1-7 (West 2015) (New Mexico law); Nev. Rev. Stat. Ann. § 293.487 (2013) (Nevada law); N.Y. Elec. Law § 5-104 (McKinney 2015); N.Y. Correct. Law § 71(8) (McKinney 2015) (New York laws); N.C. Gen. Stat. § 163-57 (2014) (North Carolina law); Tex. Elec. Code Ann. § 1.015 (West 2013) (Texas law).

⁵⁰ Colo. Const. art. VII, § 4 (Colorado constitution); Nev. Const. art. II § 2 (Nevada Constitution); N.Y. Const. art. II, § 4 (New York Constitution).

⁵¹ Peter Wagner, Aleks Kajstura, Elena Lavarreda, Christian de Ocejó & Sheila Vennell O'Rourke, *50 State Guide: Fixing prison-based gerrymandering after the 2010 Census: New York*, Prison Policy Initiative (March 2010) (hereinafter "*50 State Guide*"), <http://www.prisonersofthecensus.org/50states/NY.html>.

⁵² N.Y. Const., Art. II, § 4.

⁵³ Wagner et al., *50 State Guide*, *supra* note 51.

⁵⁴ *Little v. LATFOR*, No. 2310/2011 at 7 (N.Y. Sup. Ct., Albany Cnty. Dec. I, 2011).

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ Maine and Vermont are the only two states that do not allow incarcerated people to vote. The Sentencing Project, *Felony Disenfranchisement Laws in the United States*, 4,4 (April, 2014),

http://sentencingproject.org/doc/publications/fd_Felony%20Disenfranchisement%20Laws%20in%20the%20US.pdf.

⁵⁹ *Id.*

	<p>⁶⁰ Wagner et al., <i>Why the Census</i>, <i>supra</i> note 2.</p> <p>⁶¹ Ennis et. al, <i>supra</i> note 35.</p> <p>⁶² <i>Local Governments</i>, <i>supra</i> note 46.</p> <p>⁶³ Wagner et al., <i>Why the Census</i>, <i>supra</i> note 2.</p> <p>⁶⁴ <i>Id.</i></p> <p>⁶⁵ Dan Bernstein, <i>HUB SYSTEM: Profile of Inmate Population Under Custody on January 1, 2008</i>, New York State Department of Correctional Services, 1, 11 (March, 2008), http://www.doccs.ny.gov/Research/Reports/2008/Hub_Report_2008.pdf.</p> <p>⁶⁶ Wagner et al., <i>Why the Census</i>, <i>supra</i> note 2.</p> <p>⁶⁷ <i>Id.</i></p> <p>⁶⁸ <i>Prison Gerrymandering</i>, <i>supra</i> note 38.</p> <p>⁶⁹ <i>Local Governments</i>, <i>supra</i> note 46.</p> <p>⁷⁰ <i>Id.</i></p> <p>⁷¹ LatinoJustice PRLDEF is grateful for the research and writing assistance provided by Helen Martinez of the Class of 2016, Northeastern University School of Law and 2015 Summer Legal Intern at LatinoJustice PRLDEF, in the preparation of this Comment.</p>
c75	<p>I represent the _____ District in _____, and submit this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). I urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>As an elected representative, I am keenly aware that democracy, at its core, rests on equal representation. And equal representation, in turn, rests on an accurate count of the nation's population.</p> <p>As you know, American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the growth in the prison population requires the Census to update its methodology again.</p> <p>The need for change in the "usual residence" rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the number of incarcerated people has more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people.</p> <p>Currently, four states (California, Delaware, Maryland, and New York) are taking a state-wide approach to adjust the Census' population totals to count incarcerated people at home, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts.</p> <p>But this ad hoc approach is neither efficient nor universally implementable. It makes far more sense for the Bureau to provide accurate redistricting data in the first place, rather than leaving it up to each state to have to adjust the Census' data to count incarcerated people in their home district.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because democracy relies on a population count that accurately</p>

	represents communities, I urge you to count incarcerated people as residents of their home address.
c76	<p>The Campaign for Youth Justice (CFYJ) submits this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20,2015). We urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>CFYJ is a national organization focused entirely on ending the practice of prosecuting, sentencing, and incarcerating youth under the age of 18 in the adult criminal justice system. The strategic goals of CFYJ are to reduce the total number of youth prosecuted in the adult criminal justice system and to decrease the harmful impact of trying youth in adult court.</p> <p>We strongly believe that any movement must involve those who are most impacted by the laws and policies. Thus, we seek to empower those affected by encouraging them to use their voices and experiences to affect meaningful change. Therefore, we are particularly troubled by the Census Bureau's interpretation of the residence rule; counting incarcerated people as if they were residents of the prison locations rather than residents of their communities hurts our democracy and further disempowers our communities.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place. We want to ensure equal representation for all communities so that those most impacted by youth incarceration can have an equal voice in setting criminal justice policy, and so we urge you to count incarcerated people as residents of their home address.</p>
c77	<p>The prison population has increase dramatically in the last decade thus incarcerated people should be counted in their home districts, not where the prison is located. If this is done, extra representation is given to the communities that house the prisons. Especially African-American and Latinos communities are then under counted because of the high number of minorities in the prison population.</p> <p>Gerrymandering of legislative districts is bad enough as it is, we do not need further under representation.</p>
c78	<p>My comment is in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR28950 (May 20, 2015).</p> <p>I urge you to count incarcerated people at their home address, rather than at the particular facility that they are located in on Census Day. By designating a prison cell as a residence in the 2010 Census, the Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of these incarcerated people. When this data is used for redistricting, prisons inflate the political power of those people who live near them.</p> <p>North Carolina has three of the top ten most gerrymandered districts (1st, 4th, and 12th) in the country. Counting prisoners as local residents only gives more unethical power to the politicians.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Census Bureau</p>

	<p>strives to count everyone in the right place. In keeping with changes in society and population realities, I believe in a population count that accurately represents communities. This would be accomplished by counting incarcerated people as residents at their home address.</p>
c79	<p>Project Vote submits this comment in response to the Census Bureau’s Federal Register notice entitled, 2020 Decennial Census Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015), Docket No. 150409353-5353. Project Vote urges you to count incarcerated people at their home address, rather than at the particular facility at which they happen to be located on Census day.</p> <p>Project Vote is a national nonpartisan, non-profit organization dedicated to building an electorate that accurately represents the diversity of America’s citizenry. Project Vote takes a leadership role in nationwide voting rights and election administration issues, working through research, litigation, and advocacy to ensure that every eligible citizen can register, vote, and cast a ballot that counts.</p> <p>Because African-Americans and Latinos are disproportionately incarcerated, counting incarcerated people in the wrong location is particularly detrimental to proper representation of African-American and Latino communities. These communities are already historically underrepresented in the electorate and prison gerrymandering only contributes to this problem. Thus by designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks¹ that are located far from the actual homes of incarcerated people. When this data is used for redistricting, prisons artificially inflate the political power of the areas where the prisons are located.</p> <p>Various states, including New York, California, Delaware, and Maryland, have taken statewide action to end prison gerrymandering when drawing districts, and other localities have made similar efforts.² But this ad hoc approach cannot be implemented universally. The Massachusetts legislature, for example, concluded that the state constitution did not allow it to pass similar legislation, so in 2014 it passed and sent the Census Bureau a resolution urging the Bureau to count incarcerated persons at their home addresses.³ A national approach is needed to ensure proper representation of communities.</p> <p>Thank you for this opportunity to comment on the 2020 Decennial Census Residence Rule and Residence Situations. Because Project Vote believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home address.</p> <p>¹ Prison Gerrymandering Project, <i>Detailed Demographics of Correctional Populations Now Available for Nation</i> (Sept. 13, 2011), http://www.prisonersofthecensus.org/news/2011/09/13/sf1/ (last visited July 7, 2015).</p> <p>² Prison Gerrymandering Project, <i>Legislation</i>, http://www.prisonersofthecensus.org/legislation.html (last visited July 7, 2015).</p> <p>³ See The Massachusetts General Court Resolution “Urging the Census Bureau to Provide Redistricting Data that Counts Prisoners in a Manner Consistent with the Principles of ‘One Person, One Vote’” (188th Session, Adopted by the Senate on July 31, 2014 and the House of Representatives on August 14, 2014), <i>available at</i> http://www.prisonersofthecensus.org/resolutions/MA-resolution-081414.pdf.</p>
c80	<p>I am writing to urge you to change the residence designation of prison inmates from the place where they are incarcerated to the place of last known residence before incarceration, when counting for the 2020 U.S. Census.</p> <p>Counting prisoners where they are incarcerated, as opposed to their last residence, distorts the one-man, one-vote rule which is a linchpin of our</p>

	<p>decennial redistricting. Counting prisoners in a large institution as resident of the area where the prison is located artificially increases the representational strength of the prison area, while diluting the representational strength of the areas where the prisoners hail from. In Oregon, the Snake River Correctional Institution in the extreme eastern part of the state gives extra representational power to residents in those legislative and congresssional districts. The prisoners are in this area only temporarily, have no connection to the community and cannot vote. Yet they are counted as part of the population for purposes of redistricting.</p> <p>I urge you to adopt a nationwide policy of counting prisoners as residents of their last area before incarceration to end this distortion of our redistricting process.</p>
c81	<p>Prison Action Network is submitting this comment in response to the Census Bureau’s federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015).</p> <p>We suggest the Census bureau revise their rules because the way prisoners are counted now results in unequal representation in the political process.</p> <p>The needs of citizens in the neighborhoods from which prisoners were taken are not the same as those in the districts where they are counted. It makes no sense to include incarcerated people in their prison's district. Why include people who are temporary and whose needs are not considered by the officials elected to represent the district?</p> <p>It also dilutes the voting power of those located outside the districts with prisons. For instance, in New York, where we are located, each Senate district should have 306,072 residents. District 45, which claims the populations of thirteen large prisons, however, has only 286,614 actual residents. Crediting all of New York’s incarcerated people to a few locations, far from home, enhances the political clout of the people who live near prisons, while diluting voting power of all other New Yorkers.</p> <p>That’s why NY is taking a state-wide approach to adjust the Census’ population totals to count incarcerated people at home, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts.</p> <p>Why not make it easier and move that responsibility to the Census Bureau that has decades of experience?</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because Prison Action Network believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home address.</p>
c82	<p>I serve as the State Representative for _____ Legislative District (including _____), and I would like to submit this comment in response to the Census Bureau’s federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). I urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p>

By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into a handful of Census blocks far from their actual homes. In my state, for example, 60% of incarcerated people have their home residences in _____ County, yet the Bureau counted 99% of them as if they resided outside _____ County.

I have long supported counting incarcerated people at home, and have been working on a solution for _____ since 2009, when I introduced the Prisoner Census Adjustment Act in the _____ and again in the _____ proposing that for purposes of creating election districts and redistricting, requires that State and local governmental bodies use census figures adjusted to reflect the pre-incarceration addresses of persons imprisoned in State or federal facilities in _____; this measure passed the House, but stalled in the Senate. As an elected representative, I am keenly aware that democracy, at its core, rests on equal representation. And equal representation, in turn, rests on an accurate count of the state's population.

When we use this data for redistricting, we shift political power to people who live near prisons. This needs to be corrected. The legislation I introduced would adjust redistricting data to count incarcerated people where they live. The bill applies to state, county, and municipal redistricting data, ensuring that prison populations are not used to skew political power in state or local government. And although the bills I introduced in _____ specifically had no impact on funding formulas, I am confident that our state's aid distribution is sophisticated enough that a methodology change at the Bureau will not have any significant impact on our funding streams. (For example, _____ highway funds already separately fund _____, so that no change in the population count would shift highway funds from _____ to _____.)

Currently, four states (California, Delaware, Maryland, and New York) are implementing a state-wide approach to adjust the Census' population totals to count incarcerated people at home, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts, including at least 22 here in _____.

But this ad hoc approach is not efficient. It makes far more sense for the Bureau to provide accurate redistricting data in the first place, rather than leaving it up to each state or county to have to adjust the Census' data to count incarcerated people in their home district.

Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because democracy relies on a population count that accurately represents communities, I urge you to count incarcerated people as residents of their home address.

c83

The census claims to report where people reside but its definition of "reside" is amiss. It's inappropriate to say that a person held against his will resides in the jail.

Such a claim has implications for elections.

Iowa law creates election districts based on population. But if the population includes prisoners, they should not count as residents. They cannot vote.

Anamosa, Iowa once found itself with an election district comprised of so many prisoner "residents" that practically no one in the district could vote. Yet they were supposed to elect a member of the city council. Anamosa had to eliminate districts altogether to get around this problem

caused by the Census Bureau.

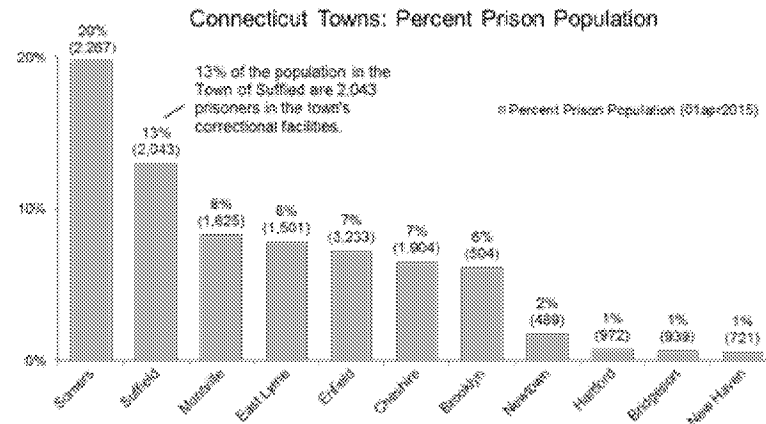
My own state senate district is also home to a pair of state prisons. Why do those prisoners count as residents here when they cannot vote? With so many Americans in prison this can lead to a lot of distortion.

Some changes should be made in this practice.

c84 The Latino and Puerto Rican Affairs Commission (LPRAC) was created by an act of the Connecticut General Assembly in 1994. In essence, we are a 21 member non-partisan commission mandated by state law to make recommendations to the legislature and the Governor of Connecticut for new or enhanced policies that will foster progress in achieving health, safety, educational success, economic self-sufficiency, and end discrimination for the Latino community in our state. LPRAC conducts educational and outreach activities to strengthen connections across the state's Latino population, establishing innovative partnerships, listening to stakeholders on issues particularly impacting the Latino population, and conducting wide-ranging socioeconomic research to fill gaps in the state's data collection and provide policy makers with comprehensive, up-to-date statistical information from which to develop effective and responsive laws, regulations, policies and procedures.

We strongly recommend that residence rules should be changed in the 2020 census for *People in Correctional Facilities for Adults* and *People in Juvenile Facilities*. The current residence rules and residence situations adversely affect the political representation of Hispanics in Connecticut.

For example, in the town of Somers, CT, the prison population accounts for 20 percent of the total population.¹ Furthermore, 24 percent of prisoners in Somers are Hispanic.² There are approximately 535 Hispanic prisoners in Somers but only 150 Hispanic residents who are not in the prison population.³ Consequently, the Hispanic prison population in Somers outnumbers Hispanic residents by over 250 percent. Furthermore, most of the Hispanic prisoners in Somers come from urban areas such as Hartford and Bridgeport, while Somers is a predominately-white rural town.



Because of the current practice of counting prisoners at their prison location, political representation for residents of Somers is **artificially increased** when legislative district boundaries are drawn for state senators and representatives. In order to stop this skewing of political representation, we ask that the residence rules and residence situations for *People in Correctional Facilities for Adults* be changed as

follows:

- (a) **People in correctional residential facilities on Census Day:** Prisoners with a household residence in Connecticut should be counted at the location of their household residence. Prisoners with a household residence outside Connecticut should be counted at the correctional residential facility.
- (b) **People in federal detention centers on Census Day:** Prisoners with a household residence in Connecticut should be counted at the location of their household residence. Prisoners with a household residence outside Connecticut should be counted at the federal detention center.
- (c) **People in federal and state prisons on Census Day:** Prisoners with a household residence in Connecticut should be counted at the location of their household residence. Prisoners with a household residence outside Connecticut should be counted at the location of the federal or state prison.
- (d) **People in local jails and other municipal confinement facilities on Census Day:** Prisoners with a household residence in Connecticut should be counted at the location of their household residence. Prisoners with a household residence outside Connecticut should be counted at the location of the local jail or the municipal confinement facility.

For *People in Juvenile Facilities*, residence rules should be similarly changed as follows:

- (a) **People in correctional facilities intended for juveniles on Census Day:** Juveniles with a household residence in Connecticut should be counted at the location of their household residence. Juveniles with a household residence outside Connecticut should be counted at the correctional facility.
- (b) **People in group homes for juveniles (non-correctional) on Census Day:** Juveniles with a household residence in Connecticut should be counted at the location of their household residence. Juveniles with a household residence outside Connecticut should be counted at the group home.
- (c) **People in residential treatment centers for juveniles (non-correctional) on Census Day:** Juveniles with a household residence in Connecticut should be counted at the location of their household residence. Juveniles with a household residence outside Connecticut should be counted at the residential treatment center.

These recommended changes to residence rules and residence situations will *not affect* congressional reapportionment; however, it will end the existing over-representation in state legislatures of communities with group quarters such as correctional and juvenile facilities. Furthermore, in Connecticut most of the communities with these types of facilities have a predominately-white population while the prison and juvenile facilities located in these communities are disproportionately Hispanic. These suggested changes in residence rules and residence situations will end the current dilution of political representation in Connecticut's predominately-Hispanic urban areas.

¹ ACS 2013 5yr B01001

² CT Dept. of Corrections April 2015

³ ACS 2013 5yr B11002I

c85 Thank you for this opportunity to respond to the Bureau's Notice, seeking comments on the Bureau's 2010 Census Residence Rule and Residence Situations (80 FR 28950, dated May 20, 2015). The League of Women Voters of Virginia urges a change to Rule 13, People in Correctional Facilities for Adults, due to the impact it has on voter representation and on the work of the League to protect voting rights, ensure fair and equal representation, and promote accurate redistricting.

The Bureau's current policy, as reflected in Rule 13, has the effect of improperly inflating the true population of a county or state district. Counting prisoners as if they are residents of the prison location effectively gives greater representation to people who happen to live in

districts that contain prisons. Often those prisoner counts are in the hundreds and at times in excess of one thousand per prison. Thus, prisoners, whose home residences are in cities and towns scattered across the state, are concentrated and counted in just one block. The result: a county supervisor representing a district with a prison will have fewer actual constituents in his or her district than a legislator in an adjoining district that has no prison. This results in an unfair diluted representation for residents of the district with no prison.

Prisoner home addresses are in the communities they come from and most often typically return to. While incarcerated prisoners in Virginia cannot vote, they do retain affiliation with their home communities because their families, friends and roots are in their home area. Prisoners in one state in this country who can vote while incarcerated must do so by absentee ballot, using their home address, not their prison address. In no sense can a prison be considered a home.

Currently, Virginia's inmate population in state and federal prisons is over 30,000. Those prisons are located predominately in rural areas where local districts experience the greatest impact when redistricting. During the 2011 decennial redistricting in Virginia, the prison populations identified by the Census Bureau were all counted at their prison locations for state House and Senate districts. This resulted in skewed representation at the state legislature. People incarcerated in state and federal prisons located in State House District 75, for example, accounted for over 12% of the district's population as reported by the Census in 2010. This means that residents of District 75 were given more voting power in the Legislature than any other resident in the state.

Some Virginia county governments have sought to avoid this kind of undemocratic outcome. Lack of uniformity prevails, however, in the way prisoner counts are used for redistricting in local jurisdictions. Six counties adjust the Census data and do not include prisoner counts when drawing their supervisors' districts. Eighteen other counties in Virginia use Census counts and include prison populations when they redistrict, leaving them with inaccurate population counts upon which to draw boundaries.

This hodgepodge manner in which census data is used during the redistricting process at the local level strikes at the heart of fairness in electoral representation. Counting prisoners uniformly at their home addresses would solve that problem.

For all of these reasons, the League of Women Voters urges the Bureau to change Rule 13 and count prisoners at their true home addresses in 2020 so state and local districts can be drawn accurately, consistently, and fairly during redistricting.

c86 The Tribal Law Journal of the University of New Mexico School of Law writes in response to your May 20 federal register notice regarding the Residence Rule and Residence Situations.

As a premier academic and legal journal, we take an interest in the accuracy of the methodology that the U.S. Census Bureau uses to count the U.S. population. Our authors often rely on population data offered by the U.S. Census Bureau in their articles. In turn, members of the legal profession depend on our articles to support advocacy efforts, lawmaking, rulemaking, legal strategy, and jurisprudence.

It has come to our attention that the US Census Bureau's 2010 Residence Rule and Residence Situations skews the accuracy of the U.S. Census data by counting incarcerated people at the facilities that they are confined in, rather than at their home addresses, on Census day. By designating a prison cell as a residence in the 2010 Census, the Census Bureau located a population that is disproportionately male, urban, and Black, Native American or Latino into Census blocks far from their homes. This inflates the apparent size of the towns of people who live near prisons. When this data is used in submissions to our publications, the reliability of important scholarship is risked.

More worrisome, when used for redistricting, the 2010 U.S. Census deprives political power from those communities, including sovereign tribal nations, where a disproportionate amount of people are arrested and imprisoned away from home. Members of our journals identify with those communities.

	<p>Because we believe in a population count that accurately represents our Nation, we urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>Thank you for your consideration.</p>
c87	<p>The Drug Policy Alliance submits this comment in response to the Census Bureau’s federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). The Drug Policy Alliance urges you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>The Drug Policy Alliance is the nation’s leading organization promoting drug policies grounded in science, compassion, health and human rights. We work to ensure that our nation’s drug policies no longer arrest, incarcerate, disenfranchise and otherwise harm millions – particularly young people and people of color who are disproportionately affected by the war on drugs. Prison gerrymandering is one of the most troubling ways that our current policies discriminate against communities worst harmed by the war on drugs.</p> <p>As you know, American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the growth in the prison population requires the Census to update its methodology again.</p> <p>The need for change in the “usual residence” rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million but since then, the nation’s incarcerated population has more than quadrupled to over two million people. The manner in which this population is counted now has huge implications for the accuracy of the Census.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. In Illinois, for example, 60% of incarcerated people have their home residences in Cook County (Chicago), yet the Bureau counted 99% of them as if they resided outside Cook County.</p> <p>When this data is used for redistricting, prisons artificially inflate the political power of the areas where the prisons are located. In New York after the 2000 Census, for example, seven state senate districts only met population requirements because the Census counted incarcerated people as if they were upstate residents. For this reason, New York State passed legislation to adjust the population data after the 2010 Census to count incarcerated people at home for redistricting purposes.</p> <p>New York State is not the only jurisdiction taking action. Three other states (California, Delaware, and Maryland) are taking a similar state-wide approach, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts.</p> <p>But this ad hoc approach is neither efficient nor universally implementable. The Massachusetts legislature, for example, concluded that the state constitution did not allow it to pass similar legislation, so it sent the Bureau a resolution in 2014 urging the Bureau to tabulate incarcerated persons at their home addresses. <i>See</i> The Massachusetts General Court Resolution “Urging the Census Bureau to Provide Redistricting Data that Counts Prisoners in a Manner Consistent with the Principles of ‘One Person, One Vote’” (Adopted by the Senate on July 31, 2014 and the House of Representatives on August 14, 2014).</p>

	<p>The Drug Policy Alliance is concerned that the Bureau’s current method of counting incarcerated people is inaccurate. We share the following two examples of specific inaccuracies flowing from the Bureau’s current method of counting incarcerated persons as follows: Consider a statistic from New York, where the upstate region has steadily been losing population: in the 2000 Census, almost one-third of the persons credited as having “moved” into upstate New York during the previous decade were persons sentenced to prison terms in upstate prisons. Such false migratory patterns can wreak havoc on seemingly sound policy decisions. In Texas, in two legislative districts drawn after 2000, 12% of the population consisted of incarcerated persons.</p> <p>We supported the passage of New York’s law ending prison gerrymandering. On the national front, we have also previously called upon the Census Bureau to change its practice in a 2013 letter submitted along with 209 other organizations.</p> <p>So we thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because the Drug Policy Alliance believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home address.</p>
c88	<p>The Voting Rights and Civic Participation Project and the Racial Justice Project at New York Law School submit this comment in response to the Census Bureau’s Federal Register notice regarding the Residence Rule and Residence Situations, 80 Fed. Reg. 28950 (May 20, 2015). We urge the Bureau to change the “usual residency” rule to count incarcerated people at their home address, rather than at the correctional facility where they are located on Census Day.</p> <p>Under the current rule, the Bureau counts people in prison as residents of their prison cells rather than their home communities. Based on this census data, incarcerated individuals are grouped with non-incarcerated individuals living in the surrounding community to form legislative districts. However, the vast majority of people in prison cannot vote and they have no ties to the local community beyond being sent there by the Department of Corrections.¹ Consequently, people in prison become “ghost constituents” to whom the legislator from the district has no connection or accountability, but whose presence in the prison allows the legislator’s district to exist. The voting strength of the actual constituents who live adjacent to the prison is unfairly inflated simply because of their proximity to a correctional facility.</p> <p>The inverse to this skew in the prison districts is the erosion of voting strength in the home communities – often located many miles away – to which most incarcerated individuals return.² Every person counted in prison on Census Day is one fewer resident counted in the home community. The result is fewer voices and fewer votes to demand accountability and representation by local officials. As the prison districts artificially inflate, the representation of home communities diminishes and declines. A similar imbalance occurs between neighboring districts. A district that contains a prison will have inflated voting strength compared to a neighboring district without a prison, creating inequalities between residents of neighboring communities.</p> <p>The home communities that are disproportionately impacted by the current usual residency rule are largely urban communities of color. Aggressive policing tactics in recent decades have targeted minority neighborhoods across the country. Because of high incarceration rates, these neighborhoods lose significantly more residents than other neighboring districts, the impact of which is felt for decades. Losing residents means losing political power.³</p> <p>In 2010, New York and Maryland were the first states in the country to pass laws to correct the skew caused by the Bureau’s current “usual residency” rule. Under the 2010 laws, officials in New York and Maryland undertook the process to remove each individual who was incarcerated in state prison on April 1, 2010 from their prison district and reallocate that person back to his home address for purposes of drawing new legislative districts.</p> <p>Professor Erika Wood’s recent analysis of how Maryland and New York implemented their new laws explains in detail the process each</p>

state undertook to reallocate each incarcerated person back to his or her home community, and provides detailed information about the specific steps each state took to implement these new laws.⁴ The report details the challenges each state faced, including legal disputes and data deficiencies, and the steps taken to meet and overcome those challenges.

While Maryland and New York were successful in correcting the imbalance caused by the current policy, doing so was required significant effort, hours and dollars. Passing and implementing the Maryland and New York laws involved multiple agencies and actors, including legislators and their staff, government agencies, the Attorneys General's offices, private software companies and consultants, and outside advocacy organizations. In researching this process, including interviews with dozens of officials in each state, it became clear that there was widespread consensus among officials in both states that the most effective way to correct the imbalance caused by the current practice, is for the Bureau to change its usual residence rule to count people in prison as residents of their home communities rather than their prison cells.

Professor Wood's analysis resulted in the following specific recommendations for the Bureau:

1. Update the interpretation of the Usual Residency rule to ensure that incarcerated persons are allocated to their home residence rather than at the location of a correctional facility. The Bureau should consult with stakeholders, including redistricting experts, elections officials, corrections officials, criminal justice advocates, and others to develop the best strategies and data choices for meeting this goal.
2. Consider using "self-enumeration" data wherever possible to tabulate incarcerated people. Allowing incarcerated individuals to complete and submit their own Census forms would allow them to identify their race and ethnicity as well as enable them to directly list their current home address.
 - Conduct a self-enumeration pilot study in select correctional facilities to develop protocols and test the utility of inmate-completed forms, as suggested by the Bureau's 2013 Ethnographic Study.
 - Where administrative records are to be used to tabulate incarcerated people, rely on agency-level administrative records collected by the Federal Bureau of Prisons and state correctional agencies – as suggested by the Bureau's 2013 *Ethnographic Study of the Group Quarters Population in the 2010 Census: Jails and Prisons*⁵ – rather than collecting this data on the individual facility level.
 - Consult with the Bureau of Justice Statistics to identify best practices for designing effective systems for collecting accurate and reliable state corrections data.⁶
 - Assure that state correctional agencies are aware of the Office of Management and Budget's (OMB) Standards for the Classification of Federal Data on Race and Ethnicity, and advise state correctional agencies on how data systems can be structured to facilitate data collection consistent with these standards. Encouraging states to use the OMB standards would eliminate inconsistencies in how race and ethnicity data are recorded.⁷
3. Conduct experiments using existing state corrections data to evaluate how these administrative records, in their current form, would impact Census Bureau workflow and quality standards, as well as to develop protocols for addresses that cannot be successfully geocoded.
4. Consider how to allocate persons in the limited circumstances where an individual's home address is unknown or nonexistent. For example, the Bureau may have to tabulate a limited number of people at the correctional facility where there is insufficient home address information.
5. Explore whether the recommendation of the 2013 Ethnographic Study of the Group Quarters Population in the 2010 Census: Jails and Prisons to establish "correctional specialists" to coordinate the Bureau's enumeration of people confined in correctional facilities will improve efficiency and standardization.⁸

As long as the Bureau continues to count incarcerated individuals as residents of their prison cells, the demographic data of their home communities will continue to be skewed and incomplete, resulting in long-term disenfranchisement and disempowerment. To correct this injustice, we urge the Bureau to amend its usual residency rule to count incarcerated individuals as residents of their home communities.

¹ Only Maine and Vermont allow people to vote while in prison. See Erika Wood, Brennan Center for Justice, *Restoring the Right to Vote* 3 (May 11, 2009), available at <http://www.brennancenter.org/publication/restoring-right-vote>. In those two states, incarcerated people maintain residency in their home communities for voting purposes and vote in their home district by absentee ballot; they do not vote in the district where they are incarcerated. See Vt. Stat. Ann. tit. 17, § 2122(a); Me. Rev. Stat. Ann. tit. 21-A, § 112(14).

² See *Fletcher v. Lamone*, No. 1:11-cv-03220, at 18 (D. Md. Dec. 23, 2011), *aff'd* 133 S. Ct. 29 (2012) (mem.) (citing Nancy G. La Vigne *et al.*, *A Portrait of Prisoner Reentry in Maryland* 33 (Urban Institute 2003) available at http://www.urban.org/UploadedPDF/410655_MDPortraitReentry.pdf which found that most Maryland prisoners returned to Baltimore after their release from prison).

³ See Erika L. Wood, *One Significant Step: How Reforms to Prison Districts Begin to Address Political Inequality*, 49 U. MICH. J. LAW REF. 101 (2015) (forthcoming).

⁴ See Erika L. Wood, *Implementing Reform: How Maryland and New York Ended Prison Gerrymandering* (Demos 2014), available at <http://www.demos.org/publication/implementing-reform-how-maryland-new-york-ended-prison-gerrymandering>.

⁵ Barbara Owen and Anna Chan, *Ethnographic Study of the Group Quarters Population in the 2010 Census: Jails and Prisons* 2-3 (2013), available at <http://www.census.gov/srd/papers/pdf/ssm2013-06.pdf>.

⁶ The Bureau of Justice Statistics conducted a survey of state correctional data systems in 1998, finding that the majority of state prison systems had mostly complete electronic records of home addresses. See Bureau of Justice Statistics *et al.*, *State and Federal Corrections Information Systems: An Inventory of Data Elements and an Assessment of Reporting Capabilities*, Bureau of Justice Statistics (Aug. 1998), available at <http://www.bjs.gov/content/pub/pdf/sfcisq.pdf>. The Census Bureau should determine how these data collections have improved in the last sixteen years, and consider how the Bureau can help these systems continue to improve as 2020 approaches. Further, the Census Bureau may wish to explore the state of data collection in the nation's largest jail systems; the fifty largest jail systems in the U.S. hold more than a third of the nation's jail population.

⁷ The OMB standards provide a common language to promote uniformity and comparability for data on race and ethnicity and were developed in cooperation with federal agencies, including the Census Bureau, to provide consistent data on race and ethnicity throughout the federal government. For an explanation of OMB standards, see Office of Mgmt. & Budget, *Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity* (Oct. 30, 1997), available at http://www.whitehouse.gov/omb/fedreg_1997standards/.

⁸ Owen and Chan, *supra* note 5, at 37.

c89 I am writing this letter in response to the NOFA of the U.S. Census Bureau requesting public comment on the 2010 Census Residence Rule and Residence Situations. I strongly believe that the Bureau's method of counting incarcerated people at prison locations, rather than in their home communities, leads to an unequal distribution of political power in state and local governments known as "prison gerrymandering." I have attached an April 1, 2013 joint Congressional letter written to then Acting Director Thomas Mesenbourg outlining our support for changing this Census program. Please do not hesitate to contact my office regarding any questions or concerns regarding this issue. Thank you.

April 1, 2013

Mr. Thomas Mesenbourg
Acting Director
U.S. Census Bureau
4600 Silver Hill Road
Washington, DC 20233

Dear Mr. Mesenbourg:

We are writing to request that the Census Bureau begin counting incarcerated people as residents of their home addresses rather than of the prisons in which they are confined. The Census Bureau has long maintained that an accurate census count yields not only a correct number of residents, but also the correct location for each resident. We believe additional thought should be given to the deemed place of residence in this unique situation. As Members of Congress, we have an interest in ensuring that the decennial enumeration provides fair and equitable representation for all.

In 2011, nearly 1 in 107 adults in the United States was imprisoned.¹ The Census Bureau's current "residence rules" count incarcerated individuals as residents of the prisons where they are serving their sentences. These incarcerated individuals normally have no ties to the prison location, cannot vote, and most often return to their home communities upon release. The designation of a prison cell as a residence prevents populations in more than 1,500 Federal and state prisons that are largely male, urban, and African-American or Latino from being counted as residents of their home communities.

Four states containing 21% percent of the U.S. population have enacted legislation to adjust census data to ensure that prisoner counts do not comprise legislative districts. Maryland and New York enacted legislation to ensure that incarcerated people are counted by home addresses, and Maryland's "No Representation without Population Act" was recently upheld by the U.S. Supreme Court.²

We applaud the Census Bureau's decision to release prison data from the 2010 census to assist individual state and local governments in their redistricting efforts. We hope the Census Bureau will develop a standardized national solution to the problem of redistricting distortion, relieving state and local governments from the need to make piecemeal adjustments to ensure prisoners are accurately assigned to their home residences and accurately allocated among legislative and Congressional districts. We therefore urge the Census Bureau to take the steps necessary to ensure that Census 2020 counts prisoners at their home addresses to assist state and local governments in accurately representing these populations.

We thank you for your careful consideration of this issue.

¹ Office of Justice Programs, Bureau of Justice Statistics, *Correctional Populations in the United States, 2011* (Nov. 27, 2012) (online at www.bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=4537).

² *Fletcher v. Lamone*, ___ U.S. ___, 2012 WL 1030482 (June 25, 2012).

c90	<p>I am writing in response to your federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015).</p> <p>I was incarcerated at York Correctional Institution in Niantic, Connecticut from December 7, 2007 to March 18, 2014. Knowing my convictions remained on appeal and were, therefore, legally stayed, the local registrar of voters in my hometown of Orange, Connecticut never removed my name from the town's list of registered voters.</p> <p>Because of the current residence rule, during the last Census I was counted as if I were a resident of Niantic, the town containing the prison where I was incarcerated, despite the fact that I was registered to vote in another town: Orange, Connecticut. This was not fair to my community, nor to any community in Connecticut that didn't have a prison.</p> <p>Furthermore, it is an inaccurate way to count voters. The right to vote is sacred; counting me in one town when I was registered in another is a poor example of how to protect a citizen's most treasured right.</p>
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	<p>Because I believe in a population count that accurately represents my community and counts voters where they are actually registered, I urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p>
c91	<p>The City of Fayetteville, Cumberland County and the Fayetteville Regional Chamber formed a partnership that works collaboratively to engage with the federal government and pursue funding assistance for strategic focus areas identified in an annual, collectively established agenda. The partnership's combined efforts are critical to the growth and strength of our community. These efforts ensure protection and preservation of essential community assets and resources, allowing all areas of the community and surrounding metropolitan and unincorporated areas to thrive.</p> <p>We would like to thank you for the opportunity to submit comments regarding the Census Bureau's Residence Rule and Residence Situations. One of our community federal agenda goals is to further advance the issues associated with the current process utilized by the US Census Bureau for counting deployed soldiers. The partnership would like to request that the Census Bureau undertake a review of the decades-old policy to prevent further undercounting in the garrison communities.</p> <p>It is our understanding that you are currently reviewing the 2010 Residence Rule and Residence Situations in order to determine if changes should be made to the Rule and/or if the situations should be updated for the 2020 decennial Census. As shown below, we believe that the Rule should be applied to the situation of military personnel who are temporarily deployed overseas to a conflict zone. We are also suggesting several updates to Situation 9(f) for the 2020 Census.</p> <p>Please note that the City of Fayetteville is located in Cumberland County, NC. Cumberland County is the home of Fort Bragg, the largest Army installation in the United States. Because of its size, Fort Bragg influences the population of our City, our County, and the surrounding region. Also, please note that in 2008, the North Carolina General Assembly annexed most of the Cumberland County part of Fort Bragg into the City of Fayetteville; the remainder was annexed into the Town of Spring Lake.</p> <p>In the comments that follow, we refer to the Rule and Situations as outlined in the Federal Register notice published on May 20, 2015.</p> <p>Comments Regarding the Residence Rule</p> <p>As we understand it, the Residence Rule is based on the basic idea that people should be counted at their usual residence, which is the place where they live and sleep most of the time. We agree with this Rule, and we believe that this Rule should be applied to the situation of military personnel who are temporarily deployed overseas to a conflict zone. This would result in these temporarily deployed persons being counted as part of the resident population of the military community from which they were deployed.</p> <p>Comments Regarding Situation 9(f)</p> <p>Situation 9(f) pertains to "U.S. military personnel living on or off a military installation outside the U.S., including dependents living with them." According to the Federal Register Notice, these people are currently "counted as part of the U.S. overseas population. They should not be included on any U.S. census questionnaire."</p> <p>We think that this current situation is not fair for cities and counties that are located near military installations which are subject to large troop deployments. (Appendix 1 explains how the Census Bureau's current procedures for counting deployed military members have negatively impacted North Carolina and its military communities. Appendix 1 provides information on the impacts at the state level, the</p>

military county level, the Fort Bragg annexation area level, and the City of Fayetteville level.)

We would like to offer the following suggestions for updates to Situation 9(f):

Suggestion 1: The Census Bureau should revise Situation 9(f) so that it reflects at least the following two categories of U.S. overseas military populations:

Category 1- Military Members Temporarily Deployed Overseas to a Conflict Zone-For these members, the deployment will hopefully consist of a "there and back" experience. These members might find themselves in places such as Iraq and Afghanistan, but they intend to return to the military installation from which they were temporarily deployed. Members are expected to return to the location from where they deployed, rather than reporting to their next rotational duty assignment. But for being deployed, these members would be back at their last duty station. Although these members might be deployed for 6 to 9 months, we would argue that this is a "temporary" deployment, when considered in light of the overall amount of time these members are assigned to a stateside military base. It is assumed that these members would not likely have dependents living with them while temporarily deployed overseas to a conflict zone.

Category 2-Military Members Assigned Overseas Outside of a Conflict Zone-For these members, the experience of being assigned overseas is part of their career rotation. These members might find themselves assigned to places such as Germany and Japan. For these members, their next rotational duty assignment will very likely be somewhere different from their previous location. It is assumed that these members might have dependents living with them while stationed overseas outside of a conflict zone.

Suggestion 2: The Census Bureau should revise its method of counting overseas military population. In the Federal Register Notice, there is no information on how U.S. military personnel in Situation 9(f) are to be counted, except that these persons are to be counted "as part of the overseas population." We understand that under current procedures, overseas military personnel are counted through administrative records rather than a census questionnaire. We understand that these administrative records are maintained by the Defense Manpower Data Center (DMDC). We also understand that under current procedures, the Census Bureau currently counts these people as part of the apportionment population, but not part of the U.S. resident population. We understand that the Census Bureau allocates these people to a state's apportionment population based on a hierarchy of information that is shown in a person's file maintained by the DMDC. This hierarchy currently starts with the person's home of record, then the person's legal residence, and finally, the person's last duty station. We understand that the Census Bureau has used this hierarchy for the past several decennial censuses.

Suggestion 2(a): The Census Bureau should revise its method of counting overseas military by reversing the hierarchy of information that it currently uses to allocate people to a state's apportionment population. The reversed hierarchy should start with the person's last duty station, then the person's legal residence, and finally, the person's home of record. This suggestion of reversing the hierarchy is intended to be applied to both Category 1 and Category 2 of the overseas population suggested above; this would ensure that both categories are treated the same way. However, if the Census Bureau is not able to treat both categories in the same way, then we would encourage the Census Bureau to apply the reversed hierarchy to at least Category 1. After all, people in Category 1 are the ones who intend to return to their last duty station. They are the ones most likely to return to their last duty station after their deployment ends; this last duty station is also likely where their immediate families are living.

Suggestion 3: Assuming that the Census Bureau is willing to use the reversed hierarchy for at least the people in Category 1, the Census Bureau should count the people in Category 1 as part of a state's resident population, as well as part of a state's apportionment population. As noted above, the people in Category 1 intend to return to their last duty station and they are most likely to return to their last duty station, after their deployment ends.

Suggestion 4: Assuming that the Census Bureau is willing to count the people in Category 1 as part of a state's resident population, the Census Bureau should use the actual address of a person in Category 1 and allocate the person to the census block in which they resided before being deployed. This would ensure that the person is properly counted in the correct jurisdiction (city and county) in which the person resided before being deployed. We assume that the person's actual address would be in the administrative (DMDC) record for the person, because if the person were injured while being deployed, the military would need to be able to notify the person's family members of the injury. We assume that demographic characteristics (e.g., age, sex, and race) about the person in Category 1 would also be available in the administrative record for the person.

Suggestion 5: Consider adding a new question to the Census form. This question would ask: "Is a member of this household currently temporarily deployed overseas to a conflict zone?" A follow-up question would ask: "If yes, please provide the person's name (and age, sex, and race)." This information would then be matched against the administrative record for the Category 1 deployed person.

Suggestion 6: Clarify the Census instructions provided to military families. Local experience has suggested that families of deployed spouses were confused by Census instructions and did not complete their Census form. This increased the undercount of population in military communities. The instructions need to state that if a family member is temporarily deployed overseas to a conflict zone, the person filling out the form should list the deployed family member on the Census form. The instructions should also clearly state that all members of the family should be listed on the form, if a person from the family is temporarily deployed overseas to a conflict zone.

In summary, if the Census Bureau would adopt these suggestions, people in Category 1 (military members temporarily deployed overseas to a conflict zone) would be counted as part of the resident population of the community from which they were deployed. This would correct the undercount problem that has existed in military communities. If the Census Bureau would adopt these suggestions, people in Category 1 would be treated like the people in Situation 1 (people away from their usual residence on Census Day). They would be counted at the residence where they live and sleep most of the time, but for being deployed.

Again, thank you for the opportunity to make these suggestions. If you have any questions, feel free to contact us through the City of Fayetteville's Demographic Planner, _____, at _____, or by way of email at _____.

Appendix 1

How the Census Bureau's Current Procedures for Counting Deployed Military Members Have Negatively Impacted North Carolina and its Military Communities

Introduction and Purpose of This Appendix 1

In the letter preceding this Appendix 1, The City of Fayetteville, Cumberland County and the Fayetteville Regional Chamber partnership, has made several suggestions to the Census Bureau regarding the Census Bureau's current procedures for counting deployed military members. These procedures are based on the 2010 Census residence rule and situation 9(f). The purpose of this Appendix 1 is to show that the current procedures have negatively impacted North Carolina and its military communities. This Appendix 1 provides data in support of the partnership's suggestions for changing the Census Bureau's current procedures.

Background on the Census Bureau's Current Procedures

Prior to the 2010 Census, state and local leaders in North Carolina asked the Census Bureau to revise procedures for counting military members who are deployed overseas. Under the current procedures for the decennial census, in effect from prior censuses, the Census Bureau counted deployed military members as part of the overseas population. For the apportionment counts, the Census Bureau allocated deployed military members to a state's overseas population. The Census Bureau first used the home of record. If home of record was not available, the Census Bureau used the legal residence. If neither home of record or legal residence were available, the Census Bureau used the last duty station.

State and local leaders in North Carolina were concerned that the Census Bureau's current procedures would harm North Carolina, especially if a large number of military members stationed in North Carolina were temporarily deployed while the 2010 Census was conducted. Officials from the Census Bureau told the state that there was not time to change the methods for the 2010 Census. (Census Bureau officials suggested that they would consider changes before the 2020 Census.)

On April 1, 2010, the 2010 Census was conducted.

When the US Census Bureau conducted the 2010 Census, many military personnel stationed at military installations in North Carolina were temporarily deployed overseas. State officials estimate that more than 40,000 military members were deployed from military bases in North Carolina around the time of the 2010 Census (April 1, 2010). (Fayetteville Observer, 3/30/11, p 1A.)

On December 21, 2010, the Census Bureau released the first counts from the 2010 Census. These counts were known as the apportionment counts. These counts were used to apportion the seats in the U.S. House of Representatives to the 50 states. The apportionment population for a state consisted of two numbers: the resident population of the state and the U.S. overseas population allocated to the state, based on home of record information.

Table 1 below shows the apportionment populations for the U.S. and North Carolina, based on the 2010 Census.

Table 1
Apportionment Populations for the U.S. and North Carolina, Based on 2010 Census

Geographic area	Number of representatives	Apportionment population		
		Total	Resident population	U.S. overseas population
United States	435	309,183,463*	308,745,538	1,042,523
North Carolina	13	9,565,781	9,535,483	30,298

Notes:*The total apportionment population of the US includes the resident population for the 50 states, as ascertained by the Twenty-Third Decennial Census under Title 13, United States Code, and counts of overseas U.S. military and federal civilian employees (and their dependents living with them) allocated to their home state, as reported by the employing federal agencies. The apportionment population excludes the resident and overseas population of the District of Columbia.

Source: U.S. Census Bureau. 2010 Census. Population and Housing Unit Counts. United States Summary. Table A.- "Apportionment of U.S. House of Representatives and Apportionment Population Based on 2010 Census."

As shown in Table 1 above, the total U.S. overseas population was 1,042,523, and the North Carolina overseas population was 30,298.

Data on the components of the U.S. overseas population are shown below in the left half of Table 2. As shown, there were 410,696 persons classified as in the Armed Forces and living overseas in the 2010 Census. The City staff assumes that detailed records are available on each of these deployed members of the military. The staff assumes that the military could break this figure down by the number who are deployed temporarily to conflict zones (such as Afghanistan and Iraq), and the number who are assigned to long term duty stations outside of a conflict zone (such as Germany and Japan). (These distinctions are referred to as Category 1 and Category 2 in the partnership's letter.)

Unfortunately, it has not been possible to locate any data sources showing the components of the North Carolina overseas population. (On July 15, 2015, City staff was told that the North Carolina data were not published and cannot be released at this time.)

Therefore, the City staff has estimated the components of the North Carolina overseas population, based on the U.S. percentages. These estimates are shown below in the right half of Table 2.

Table 2
Details on the U.S. Overseas Population and Estimates for North Carolina

	2010-United States		2010-North Carolina (estimated)	
	Number	Percent*	Number	Percent
Total	1,042,523	100.00%	30,298	100.00%
Federal Employees	434,382	41.67%	12,624	41.67%
Armed Forces	410,696	39.39%	11,936	39.39%
Fed Civilian Employees	23,686	2.27%	688	2.27%
Dependents of Fed Employees	608,141	58.33%	17,674	58.33%
Armed Forces Dependents	592,153	56.80%	17,209	56.80%
Fed Civilian Dependents	15,988	1.53%	465	1.53%
Total Armed Forces & Dependents	1,002,849	96.19%	29,145	96.19%
Total Fed Civ Empl & Dependents	39,674	3.81%	1,153	3.81%

Source: US data based on report entitled, 2010 Census Federally Affiliated Overseas Count Operation Assessment Report. Data were in an unnumbered table on page 2 of the report. NC data calculated, based on US percentages.

Note:*Published percentages were rounded and did not show any decimal places. Percentages shown above are shown to 2 decimal places.

As shown above in Table 2, City staff has estimated that 29,145 people in the North Carolina overseas population were members of the Armed Forces and their dependents. Out of this, 11,936 were estimated to be members of the Armed Forces, while 17,209 were estimated to be dependents of the Armed Forces members.

If the Census Bureau would adopt the suggestions in the partnership's letter [e.g., if the Census Bureau would distinguish between Category 1 (temporarily deployed overseas) and Category 2 (assigned overseas for a longer term), and if the Census Bureau would use the last duty station criteria in allocating overseas military members to states,) the City staff believes the numbers for North Carolina shown in Table 2 above would be very different.

On March 2, 2012, the Census Bureau released the P.L. 94-171 Redistricting Summary File Data for North Carolina. This release provided

detailed information down to the block level for resident total population by race, voting age population by race, Hispanic Origin, and number of housing units. The Census Bureau provided summaries of this data by block groups, census tracts, voting districts, cities, and counties. Thus, local officials were able for the first time to know what their new 2010 Census populations were. The Redistricting Data release did not include any information about the group quarters population.

Assessment of the Impacts of the Current Procedure

As pointed out in Table 2 of the preceding section, the Census Bureau reported that the North Carolina overseas population was 30,298. Overseas military members made up a large part of this number, but it has not been possible to determine the actual number. However, state officials estimated that more than 40,000 military members were deployed from military bases in North Carolina around the time of the 2010 Census (Fayetteville Observer, 3/30/11, p. 1A).

City staff has tried to locate studies documenting the impacts of the current procedure on North Carolina. City staff has also performed its own analysis, using Census Bureau data. These studies and analysis efforts are discussed below.

Study of Defense Department Data. This is the most important study that City staff has been able to identify. Although City staff has not been able to locate a copy of this study, it was mentioned in a major story in The Fayetteville Observer published on March 30, 2011. This story was entitled, "Deployment Costly for State in Census." This story was based on a staff and wire report. The story referred to a study of Defense Department data that was provided to the Associated Press.

One of the main findings from the study was: "North Carolina officials estimate more than 40,000 troops were deployed from the state's military bases around the time of the census one year ago. But only 12,200 of the nation's overseas military personnel listed North Carolina as their home state, according to Department of Defense data provided to AP." This created a gap of around 28,000 troops, which was costly to the state. For example, had the apportionment population of the state been only 15,000 higher, the state would have been eligible for an extra congressional seat. This gap also likely resulted in considerable federal funding losses, which are often distributed based on population. (Fayetteville Observer, 3/30/11, p 1A.)

City Staff's Analysis Based on Census Bureau Data - City staff has used the data released as part of the 2010 Census to analyze the extent to which deployments have affected populations in North Carolina. This included using the Advanced Group Quarters Data, which was released on April 20, 2011, via the Census Bureau's FTP site. (It is believed that this data was later incorporated into the 2010 Census Summary File 1 dataset.) The term, "group quarters," refers to living quarters other than traditional housing units. Examples of group quarters are: nursing homes, college dormitories, and military quarters, i.e., military barracks.

The release of the Advance Group Quarters data made it possible for the first time to approximate the number of group quarters military personnel who were deployed from North Carolina. The general approach was to compare the number of people living in military quarters in the 2010 Census against the same number from the 2000 Census. It is assumed that military quarters population is a good indicator of the overall military population of an area.

The City staff has used Census Bureau data at four different scales: the state level, the military county level, Fort Bragg annexation area level, and the City of Fayetteville level. Each is discussed below.

Analysis at the State Level-Table 3 below shows the number of persons living in military quarters (i.e., barracks) in North Carolina in 2000 and 2010.

Table 3
Number of Persons Living in Military Quarters in North Carolina in 2000 and 2010

Geographic Area	2000 Census	2010 Census	Absolute Change, 2000-2010	Percent Change, 2000-2010
North Carolina	37,022	26,326	-10,696	-28.89%

The data in Table 3 show that the military quarters population decreased by 10,696 between 2000 and 2010. It seems reasonable to conclude that at least part of this decrease was due to the Census Bureau's procedures for counting deployed military personnel from the various military bases in North Carolina.

However, other factors could have affected this decrease. For example, the decrease could be a function of modernization programs at military bases in North Carolina. For example, a base might have torn down some barracks between 2000 and 2010; in this situation, it is assumed the base would have provided opportunities for the displaced military personnel to live off base.

Analysis at the Military County Level - "Military County" refers to any county with people living in military quarters. Table 4 below shows the number of persons living in military quarters in North Carolina by county in 2000 and 2010. The counties are ranked in the order of their military quarters population in 2000.

Table 4
Number of Persons Living in Military Quarters in North Carolina, by County, in 2000 and 2010

Geographic Area	2000 Census	2010 Census	Absolute Change, 2000-2010	Percent Change, 2000-2010
Onslow Co	18,491	16,697	- 1,794	- 9.70%
Cumberland Co	13,857	5,949	-7,908	-57.07%
Craven Co	3,420	2,986	- 434	-12.69%
Wayne Co	563	594	31	5.51%
Richmond Co	374	0	- 374	-100.00%
Brunswick Co	222	4	- 218	- 98.20%
Pasquotank Co	33	41	8	24.24%
Dare Co	27	6	- 21	- 77.78%
New Hanover	22	29	7	31.82%
Carteret Co	13	15	2	15.38%
Pamlico Co	0	4	4	
Mecklenburg	0	1	1	

Total-NC	37,022	26,326	-10,696	- 28.89%
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As shown above, Cumberland County (the home of Fort Bragg) experienced the largest absolute decrease in military quarters population of any county in North Carolina between 2000 and 2010.

It is assumed that this decrease is significantly related to deployment of troops from Fort Bragg around the time of the 2010 Census, and to the Census Bureau's procedures for counting deployed military members.

According to The Fayetteville Observer, Fort Bragg officials estimate that 13,000 soldiers returned to Fort Bragg in 2010 after being deployed to Afghanistan, Iraq, and Haiti. It was estimated that many of these returning troops returned after the date of the 2010 Census (April 1, 2010). (Fayetteville Observer, 3/30/11, p. 1A.)

Analysis at the Fort Bragg Annexation Area Level - A large part of Fort Bragg was annexed into the City of Fayetteville on September 1, 2008. Since the date of annexation, the military quarters population of this part of Fort Bragg has declined significantly. This decrease in the military quarters population definitely impacted the population of the City of Fayetteville, as reflected in the population estimates prepared by the State Demographer.

Table 5 shows data for the part of Fort Bragg annexed into the City of Fayetteville for four time periods (as of the 2000 Census, as of July 1, 2008, as of July 1, 2009, and as of the 2010 Census).

Table 5
Data for the Part of Fort Bragg Annexed Into the City of Fayetteville Effective 9/1/08

Population Components	As of 2000 Census (1)	As of July 1, 2008 (2)	As of July 1, 2009 (2)	As of 2010 Census (3)
Total Number Housing Units	4,142	4,338	4,338	4,185
# Vacant Housing Units	103	500	500	379
# Occupied Housing Units	4,039	3,838	3,838	3,806
Average Household Size	3.7096	3.6201	3.6201	3.1742
Household Population	14,983	13,894	13,894	12,081
Group Quarters Population	13,132	12,053	11,028	5,116
Total Population	28,115	25,947	24,922	17,197

Sources:

1. The data as of the 2000 Census are based on a tabulation of 2000 census blocks that were completely within the boundaries of the area annexed in 2008. When 2000 census blocks straddled the annexation boundary, City staff worked with a staff member from Fort Bragg in allocating housing units and population to the part of the block included within the annexation boundary. The City had to submit these estimates, based on 2000 Census data, to the US Justice Department for preclearance of the annexation of Fort Bragg.
2. The housing count data and the household population data for July 1, 2008 and for July 1, 2009 are from information provided by Fort Bragg officials to the City for submission to the State Demographer. The group quarters population data for July 1, 2008 and for July 1, 2009 are from information provided by Fort Bragg officials to the State Demographer. The State Demographer used all of this information in preparing her "standard" estimate of population for the City of Fayetteville.
3. The data as of the 2010 Census are based on a tabulation of 2010 census blocks that were completely within the boundaries of the area annexed in 2008. This involved using GIS to join block-level group quarters data, by facility type, to the shape file of census blocks.

The information in Table 5 above shows that there was a gradual decrease in the group quarters population in the Fort Bragg annex area between the 2000 Census and July 1, 2009. This might have been a function of the demolition of old barracks and the provision of opportunities for barracks residents to move off-post.

The information in Table 5 above also shows that there was a very sharp decrease in the group quarters population in the Fort Bragg annex area between July 1, 2009 and the 2010 Census. This was very likely due to the deployment of troops living in barracks on Fort Bragg, and to the Census Bureau's procedures for counting deployed military members.

The information in Table 5 above also suggests that the impact of deployments can be detected in the Fort Bragg annex area, in terms of a decrease in household population between July 1, 2009 and the 2010 Census. (It should be noted that in addition to barracks, many people on Fort Bragg live in traditional family units. These units are typically single-family detached units.) For example, while the number of occupied housing units declined slightly, the average household size decreased significantly. This might be because of the deployment of one adult from the household. Under this scenario, another adult would have been left in the household, along with any children from the household.

Analysis at the City of Fayetteville Level - The decrease in the military quarters population within the part of Fort Bragg that was annexed into the City of Fayetteville in 2008 has definitely impacted the overall population of the City of Fayetteville.

For example, the overall population of the City according to the 2010 Census was only 200,564. Prior to the release of the 2010 Census data for Fayetteville, the North Carolina State Demographer had estimated that the City's population was approximately 208,000.

It should be noted that this analysis of deployment impacts has not included a study of neighborhoods located off-post from Fort Bragg but within the City of Fayetteville. It is possible that if such a study were done, it would reveal that average household size was suppressed by the absence of an adult from the household who was deployed at the time of the 2010 Census.

Officials from another military community in North Carolina, Jacksonville, have reported that there was an undercount of household population in the Jacksonville area. It is believed that the undercount resulted in part from confusing instructions on how to fill out the Census form. A study of this problem has not been done in the Fayetteville area.

Summary of the Impacts of the Current Procedure

The study of Defense Department data outlined above, along with the City staff's analysis of Census Bureau data at several geographic

	<p>scales, suggest that the 2010 Census populations of military base communities in North Carolina were significantly impacted by the Census Bureaus' procedures for counting military members who were temporarily deployed overseas to a conflict zone. It is unfortunate that many of these deployed members of the military were apparently deployed just prior to the 2010 Census. This meant that under the current procedures of the Census Bureau, they were not counted in state, county, and city resident population counts. However, if the Census Bureau will adopt the suggestions outlined in the partnership's letter, this situation will likely not happen again.</p>
c92	<p>The Maryland State Conference of NAACP Branches, the Somerset County Branch of the NAACP (together, “the NAACP”) and the American Civil Liberties Union of Maryland (“the ACLU-MD”)¹ submit this comment in response to the Census Bureau’s <i>Federal Register</i> notice regarding the Residence Rule and Specific Residence Situations, 80 FR 28950 (May 20, 2015) to support counting incarcerated people at their places of last residence, rather than at their places of incarceration. As detailed below, our experience with this issue in Maryland provides strong support, from a civil rights perspective, for this change.</p> <p>The NAACP and the ACLU-MD are committed to preserving all citizens’ right to be equally represented in the electoral system, and we have worked to make that promise a reality in our own state. Somerset County, on Maryland’s Eastern Shore, has long been one of the state’s most racially-divided communities, with a sad history that includes lynchings, formal opposition to school integration through the 1960s, and court-ordered reforms to racially discriminatory election and employment practices into the 1980s and 1990s.²</p> <p>At the time of the last U.S. Census, Somerset County was 42 percent African American—the highest ratio of blacks to whites in any Eastern Shore County.³ Yet, despite Somerset’s demographic diversity, blacks have historically been left virtually unrepresented in County government.⁴ Indeed, until 2010, no black person had <i>ever</i> been elected or appointed— in all of the County’s 350-year history—to <i>any</i> top County office, including County Commissioner, County Administrator, Sheriff, Detention Center Warden, Judge, State’s Attorney, State Delegate, County Treasurer, County Finance Director, County Attorney, County Personnel Director, County Planning Director, County Fire Marshall, County Emergency Management Director or County Elections Administrator, among others.⁵ The situation persisted even though the historically black University of Maryland, Eastern Shore (“UMES”), located within the county, graduates many candidates qualified for government jobs and offices.</p> <p>In 2008 and 2009, the NAACP and ACLU-MD began to understand that part of the reason African Americans had remained shut out of Somerset government for so long related to what is now known as “prison-based gerrymandering.” Because the County is rural and relatively sparsely populated, the inclusion for redistricting purposes of the large prison population at Eastern Correctional Institution (“ECI”) severely undermined the racial fairness of the local election system.</p> <p>Due to a Voting Rights Act challenge to the County’s at-large election system in the mid-1980s, the County switched to a system of five single-member districts to elect its County Commission. The County planned one district as a remedial district with a majority black population, but by the time that district was established, ECI had opened. ECI’s mostly minority inmates were counted as residents of the so-called remedial district, even though they were ineligible to vote in Somerset elections. The prison’s inclusion distorted the district’s voting power, because only a small share of those counted in the district were actually eligible to vote, and an even smaller share of those eligible to vote were African American. As such, the district could not and did not function as a true remedial district, and for two decades consistently elected white officials to represent the “minority” district. Moreover, because inmates significantly outnumbered other district residents, their inclusion in the redistricting database led to over-representation of non- prison residents within that district, as compared to residents in other districts that did not include a prison.</p> <p>In 2009 and 2010, the NAACP and ACLU-MD partnered with community leaders to challenge this system. Together, they advocated with local Somerset officials, the Maryland Attorney General, and the Maryland General Assembly for exclusion of the prison population from the redistricting database. Eventually, as a result of this advocacy, the Maryland legislature became the first in the nation to adopt a</p>

law mandating that prisoners be counted at their place of last residence, rather than their place of incarceration.⁶ This simple change finally gave meaning to the voting rights remedy put in place by Somerset County in 1986 and paved the way for greater participation by minorities in Somerset County’s local government. In fact, the County’s first black County Commissioner, Rev. Craig Mathies, was elected shortly after the law was enacted. Furthermore, Somerset’s 2012 redistricting plan includes two districts with majority minority populations, better reflecting the demographics of the community and enhancing minority electoral opportunities within the County.

The story of Somerset County illustrates one adverse collateral consequence that can follow from the dramatic growth of our nation’s prison population over the past few decades: a reduction in the suitability of current Census counts for use in redistricting. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million.⁷ But since then, the number of incarcerated people has more than quadrupled, to over two million people behind bars.⁸ This change implicates a need for corresponding change in application of the Census’s “usual residence” rule with respect to incarcerated persons, to ensure that redistricting decisions and remedies count populations accurately and promote electoral fairness for all.

By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people.⁹ Although Maryland (along with California, Delaware, New York, and over 200 counties and municipalities) has approved a measure to adjust the Census’ population totals to count incarcerated people at home, this ad hoc approach is neither efficient nor universally feasible. For example, the Massachusetts state legislature concluded that the state constitution did not allow it to pass similar legislation, so it sent the Bureau a resolution in 2014 urging the Bureau to tabulate incarcerated persons at their home addresses.¹⁰

Thank you for this opportunity to comment on the Residence Rule and Specific Residence Situations as the Bureau strives to count everyone in the right place, in keeping with changes in society and population realities. Because of our experience in Somerset County—and our awareness of the difference that Maryland’s new rule made to African American residents there—the Maryland State Conference of NAACP Branches, the Somerset County Branch of the NAACP and the ACLU of Maryland urge the U.S. Census Bureau to count incarcerated people as residents of their last home addresses.

¹ The American Civil Liberties Union submitted separate comments to the Census Bureau reflecting the work of the ACLU nationwide to ensure population counts that accurately represent our communities.

² See ACLU of Maryland and Somerset County NAACP, “Semper Eadem—‘Always the Same’?” at 5 (2009), available at http://www.aclu-md.org/uploaded_files/0000/0348/finalreportwapp.pdf [hereinafter “Report”].

³ See U.S. CENSUS, “2010 Census Interactive Population Map,” available at <http://www.census.gov/2010census/popmap/>. According to the 2010 U.S. Census, Somerset County is 53.53% white and 42.28% black; the only parts of Maryland with a higher percentage of black residents are Prince George’s County and Baltimore City.

⁴ See Report, *supra* note 1, at 4. According to the Report, African Americans represent 35 percent of Somerset County’s available labor force, but only 12.6 percent of County employees.

⁵ See *id.* at 2–3. Indeed, according to EEO filings at that time, not a single African American was employed by the County in a professional capacity. The County employed 46 people full or part time that year in official, professional, technical or paraprofessional positions, but *none* was African American.

⁶ Md. Code, State Gov’t § 2–2A–01 (2015).

⁷ See U.S. Department of Justice, Bureau of Justice Statistics, “Historical Corrections Statistics in the United States, 1850–1984” at Table 4–1 (December 1986), available at <http://www.bjs.gov/content/pub/pdf/hcsus5084.pdf>.

⁸ See U.S. Department of Justice, Bureau of Justice Statistics, “Correctional Populations in the United States, 2012” at Table 2 (December 2013), available at <http://www.bjs.gov/content/pub/pdf/cpus12.pdf>.

⁹ See Prisoners of the Census, “Detailed demographics of correctional populations now available for nation” (Sept. 13, 2011), available at <http://www.prisonersofthecensus.org/news/2011/09/13/sf1/>.

	<p>¹⁰ See The Massachusetts General Court Resolution “Urging the Census Bureau to Provide Redistricting Data that Counts Prisoners in a Manner Consistent with the Principles of ‘One Person, One Vote’” (adopted by the Senate on July 31, 2014 and the House of Representatives on August 14, 2014).</p>
c93	<p>I am writing in response to the May 20 Federal Register notice soliciting comments on the Residence Rule and Residence Situations.</p> <p>I am a data scientist (BS Math Caltech '86, PhD Math MIT '89) with several refereed publications on the mathematics of voting. The data which the census bureau collects inmates according to the home address is of critical importance and I strongly urge you to count inmates at their home address rather than the particular prison in which they are incarcerated on April 1, 2020.</p> <p>This data will help us researcher understand the effect of incarceration on the home community.</p> <p>On a more practical level, without this data, citizens who are barred from voting become literally political prisoners as their place of incarceration can be chosen to transfer representation from their home community to the location of their prison.</p> <p>I would be happy to discuss this matter in more detail with you or any members of your staff.</p>
c94	<p>Prison inmates should be counted as residents of their permanent home addresses, not at the places of incarceration. I will not attempt a comprehensive discussion of this issue, which many competent persons have addressed. I wish, however, to call attention to one facet of the question that should receive more attention: the inconsistent treatment of transient populations.</p> <p>I will then offer some observations based on my own experience. I directed the staff work on redistricting for successive Minority Leaders of the New York State Senate, from 1980 through my retirement at the end of 2005; was the principal consultant to the Committee on Election Law of the Bar Association of the City of New York in the development of its 2007 report on reform of the New York redistricting process; worked closely with legal teams on litigation concerning New York redistricting during each of the last four decades; consulted with New York State Senate and Assembly staff on the drafting of the prison population re-allocation law enacted in 2010; and consulted with California Assembly staff in connection with the latest amendment to California’s prison population re-allocation law. (I am not a lawyer.)</p> <p>I. The counting of prisoners at the places of incarceration is not part of a consistent rule for defining residence.</p> <p>This can be understood by comparing the rules for counting three categories of transient populations: a) college and university students away from home; b) persons traveling for business and pleasure; and c) those who are away from home as prison inmates. I do not wish to argue that the rules for students and travelers should be changed. But the comparison will illuminate the problem with the rule that applies to prisoners.</p> <p>Students and prisoners are counted at their temporary residences, and travelers are counted at their permanent home addresses. Yet the students and the travelers have much in common with each other, in ways in which both groups differ from the prisoners. Unlike the prisoners, both the students and the travelers:</p> <ol style="list-style-type: none"> 1. are at their Census Day location voluntarily; 2. are part of the social and economic fabric of the communities where they temporarily reside: walking freely in the streets, using the roads and public transit, frequenting restaurants, visiting parks, attending sports events, museums, theatres, etc., and free to participate in politics and other aspects of civic life;

3. use public services financed by local taxes: roads, public transport, police, ambulances and emergency rooms, building code enforcement, restaurant inspections, etc.; and
4. pay local taxes: sales taxes, for both groups; hotel occupancy taxes and, indirectly, real estate taxes, for travelers; and real estate taxes, either directly or indirectly (depending on whether they own or rent), for students living off-campus.

Students may also be employed, holding the sort of jobs that might also be held by permanent local residents, and likewise subject to taxes on their earnings. And many travelers are paid to perform duties away from home in connection with their employment.

Furthermore, members of Congress and state legislators, in furthering the interests of the permanent residents of their districts, also seek to further the interests of the students and visitors. It is not only from the love of learning or recognition of the social value of research that elected officials seek to support and expand institutions of higher learning in their districts. But by seeking to maximize the local economic benefit derived from such institutions – supporting expansion and making the colleges and universities attractive to students – they also further the interests of the students.

Similarly, in seeking prosperity for their districts by making them attractive destinations for business travelers and tourists, they serve the interests of the visitors. In both cases, the elected representatives would entirely fail to serve the interests of their permanent constituents if they did not also faithfully serve the interests of the students and visitors.

In contrast, no Congress member or state legislator seeks to represent the interests of the prisoners incarcerated in his or her district. Their offices do not offer the prisoners the ‘constituent services’ that they provide to permanent residents of their districts. To the degree that they seek to maximize the economic value of the prisons – which are, indeed, the major local employer in some places, as universities are in others – they regard the prisoners merely as the raw material of a local industry. To the degree that the prisoners enjoy representation in Congress or state legislatures, it is only from the representatives of the communities where they left behind their families and friends, to which they will eventually return, and where they may once again be voters.

New York City, where I live, is disadvantaged by the census rules relating to both prisoners and visitors.

On the one hand, thousands of permanent residents of the city are counted at prisons outside of the city. Under the New York State law¹ subtracting prisoners, for purposes of legislative apportionment, from their places of incarceration, and re-allocating them insofar as possible to their permanent home addresses, the population of New York City showed a net increase of 21,082, while the balance of the state showed a net decrease of 14,705. This actually understates the effect on New York City of the rule for counting prisoners, because the legislative task force² charged with making the calculations had no access to data from Federal agencies or other states, a subject I will return to below.

At the same time, the city’s population is permanently swollen by hundreds of thousands of visitors, but these persons are not counted here.³ There is, of course, a good deal of turnover among the individuals who constitute this transient population, but the total remains fairly steady. There is seasonal variation in this number, but not nearly so large as the seasonal variation in the number of students in a college town. In many college towns, almost the whole student population will vanish about two months after Census Day, not to return for about three months. And when the fall term begins, many who were counted in April will be gone, to be replaced by new enrollees.

For all of these reasons, if visitors are to be counted at their permanent home addresses, not where they are sleeping on Census Day, there is an even stronger argument for applying that principle to prisoners.

The Census Bureau should be guided by the ruling of the three-judge court in *Fletcher v. Lamone*, 831 F. Supp.2d 887 (D. Md. 2011), that the careful attribution of prisoners to their permanent home addresses for congressional and legislative redistricting is consistent with the constitutional rules. There is no basis for supposing that such attribution is permissible for congressional redistricting, but not for congressional reapportionment. Note especially the Court's observation distinguishing prisoners from other 'group quarters' populations:

We also observe that the plaintiffs' argument on this point implies that college students, soldiers, and prisoners are all similarly situated groups. This assumption, however, is questionable at best. College students and members of the military are eligible to vote, while incarcerated persons are not. In addition, college students and military personnel have the liberty to interact with members of the surrounding community and to engage fully in civic life. In this sense, both groups have a much more substantial connection to, and effect on, the communities where they reside than do prisoners. (*Id.* at 896)

The Court also observed that:

According to the Census Bureau, prisoners are counted where they are incarcerated for pragmatic and administrative reasons, not legal ones. The Bureau has explained that counting prisoners at their home addresses would require "collecting information from each prisoner individually" and necessitate "an extensive coordination procedure" with correctional facilities. (*Id.* at 895)

But while it is possible to imagine many technical difficulties that would arise in counting business travelers and tourists where they are actually sleeping on Census Day, we now have extensive experience demonstrating that it would be quite practicable to count prisoners at their permanent home addresses. The states of New York and Maryland successfully adjusted their population databases for the 2010-12 redistricting without a huge investment of resources. An account of how New York and Maryland accomplished this, and an excellent review of the entire subject, is provided in Prof. Erika L. Wood's study, *Implementing Reform: How Maryland and New York Ended Prison Gerrymandering* (New York: Dēmos, 2014).⁴ These experiences can provide a model, and should lead the Census Bureau to reconsider its previous view that it would be prohibitively expensive to do what New York and Maryland accomplished.

II. I wish to add a few observations from my own experience to Prof. Wood's findings and recommendations.

A. In the discussions leading to the enactment of the New York law in 2010, those of us who had experience with redistricting databases, and with the use of geographic information systems to geocode addresses to census blocks, agreed that it would be possible to re-allocate to their home addresses about 60% of the prisoners on the list to be provided by the NYS Department of Corrections and Community Supervision (DOCCS).⁵ We were wrong. As Prof. Wood documents, 79% of the addresses on the DOCCS list were successfully attributed to New York census blocks. And even that figure understates the success of the project, since the remaining 21% includes those prisoners whose permanent homes were not in New York State.

B. In my consultations during 2010 with New York legislative staff concerning the drafting of Part XX of Chap. 57, it was clear that the decision to exclude congressional redistricting from the use of the adjusted database was entirely a matter of legal caution. There was case law supporting the use of an adjusted database for state legislative redistricting, but there was much uncertainty about whether the courts would permit such a database to be used for congressional redistricting. The use of the adjusted database was limited to legislative redistricting to avoid creating a possible basis for a legal challenge to the congressional districts to be enacted in 2012. Happily, Maryland was more bold, and the matter was settled in *Fletcher*. I am certain, from the discussions in which I participated, that the New York law

would have encompassed congressional redistricting if the issues later decided in *Fletcher* had already been settled in 2010.⁶

C. The California re-allocation law, which will apply to the next decennial redistricting, originally provided for subtraction of prisoners from their places of incarceration only if they could be re-allocated to a permanent home address within the state. The law therefore excluded prisoners in the custody of the U.S. Government. The law has now been amended to provide, as in the New York law, for the subtraction of all inmates of Federal and state prisons, and then for their re-allocation to their permanent home addresses insofar as possible. The laws in both states are now based on the principle that counting a person in the *wrong* place distorts the apportionment database even more than excluding the person entirely.

D. There is nothing novel about excluding from the PL94-171 data set those persons who are part of the U.S. population, but who cannot be attributed to a specific U.S. address for purposes of reapportionment and redistricting. That is the rule for U.S. citizens and their dependents living outside the U.S. while in the employ of the U.S. Government or serving in the armed forces.

E. The drafters of the New York law assumed that it would be impossible to obtain from the U.S. Bureau of Prisons the sort of list that was provided by NYSDOCCS. Maryland did attempt to obtain such a list from BOP, and was rebuffed. BOP explained its refusal as based on a concern to protect the confidentiality of records about prisoners. This a legitimate concern, and underlies the confidentiality provisions that were written into the New York and California re-allocation laws. One cannot blame BOP for being cautious about providing such lists to state agencies, and of course the state legislatures cannot command BOP's cooperation. But the Census Bureau may well be able to address BOP's concerns about preserving confidentiality. If the Census Bureau can obtain the necessary lists from BOP (and also from ICE), it will be in a far better position than the states, individually or collectively, to allocate prisoners to the census blocks of their permanent home addresses. The Census Bureau, unlike the states, will also be able to re-allocate those prisoners who are being held, either by Federal or state authorities, in a state other than that of their permanent residence.

For all of the above reasons, the residence rule for prison inmates should be changed. Prisoners should be counted at the homes to which they will eventually return, where they left behind their families and friends, where they are represented by elected officials, and where they may once again be voters.

¹ Legislative Law, Section 83-m, Subsection 13, enacted by Part XX of Chapter 57 of the Laws of 2010.

² The Legislative Task Force on Demographic Research and Reapportionment, known as LATFOR, an acronym derived from an older name of the task force.

³ NYC & Company, the city's tourism promotion organization, estimates that there were 54.3 million visitors in 2013.

[<http://www.nycgo.com/articles/nyc-statistics-page>] The *New York Times* reports that there were 108,592 hotel rooms in the city in 2013, and estimates that the average daily occupancy was 68% in January 2015, down 4.7% from January 2014 (the January 2014 figure having been swollen by the Super Bowl). [<http://www.nytimes.com/2015/03/04/realestate/commercial/hotel-market-staggers-in-new-york-city.html>; web edition, March 3, 2015; New York print edition, March 4, 2015, p. B6] Allowing for some uncertainty about the estimated number of visitors, the proportion who did not remain for the night, the average number of persons in an occupied hotel room, and the proportion of visitors who found other accommodations, it is reasonable to suppose that some 200,000 visitors sleep here on an average night. That is a good enough estimate for the present discussion.

⁴ Available at: <http://www.demos.org/publication/implementing-reform-how-maryland-new-york-ended-prison-gerrymandering>

⁵ The list provided all of the address information available to DOCCS about each prisoner, but no names. Each record was identified only by a number that the Legislative Task Force could use in addressing inquiries to DOCCS. Furthermore, the Task Force was required to hold all of the address information in confidence, making public only the revised block-level counts. The California law has a similar provision.

⁶ In the event, the New York Legislature failed to agree on a congressional redistricting plan in 2012, and the task fell to a U.S. District Court after all. But that was not foreseen in 2010.

c95

I am writing in response to your May 20 Federal Register notice regarding the Residence Rule and Residence situations.

As a philosopher of science focused on social demography and social ecology, I analyze studies that, among other things, investigate the effects of crime, incarceration, and recidivism in American communities. In order to understand those effects it is crucial to have reliable data regarding the incarceration rates in those communities. The Census Bureau is the only reliable source of demographic data. Should the proposed rule be adopted this research would be impossible. I, therefore, urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census Day.

Thank you for your consideration.

c96

These comments are submitted in response to the Public Notice, dated May 20, 2015, regarding proposed changes to the Residence Rule and Residence Situations for the upcoming 2020 Census.¹ The Public Notice sought comment on the Residence Rule, and the undersigned seeks to provide comment on the Residence Rule as it relates to those who are incarcerated (Rule 13) and those in Juvenile Facilities (Rule 16) (collectively, the “Detainees”).

I have served as the *pro bono* counsel for the family members of those who have been incarcerated in a proceeding before the Federal Communications Commission since 2010. The proceeding relates to the telephone rates and other charges that are imposed on families to remain in contact with Detainees, and I have actively advocated before the FCC, Congress, and the US District Court for the establishment of rate caps and elimination of excessive fees. The telephone is uniquely important to the families I represent *because correctional facilities tend to be located very far away from their homes*. In this context, I have become uniquely aware of the economic and personal impact of the difficulties of family members to remain in contact with Detainees, especially with the 1.7 million children with at least one family member who are Detainees.

Rule 13 and Rule 16 count Detainees as being a resident at the facility, rather than their residence before being detained, i.e., their permanent residence. Not only is this determination different than many states’ laws which specifically do not change Detainees’ permanent residences, and actually permit Detainees to vote for candidates at their permanent residence. Thus, the rules are in conflict with state law, and do not reflect the reality of how states treat Detainees in connection with their right to vote.

Moreover, this rule incentivizes the construction of detention facilities at distant locations far away from the Detainees’ permanent residences. In particular, because Census figures are used to determine state legislative districts, these rules skew the population of districts by adding additional people to districts that do not actually have the ability to vote for candidates in those very same congressional districts.

Because the current Census rules count Detainees as residents at the facility location, there is a strong incentive for communities to volunteer to construct detention facilities in order to increase their population without permitting the Detainees to vote in local elections. Studies have shown that more than 60% of those incarcerated are at facilities more than 100 miles from their permanent residence, and 10% of those incarcerated are located at facilities more than 500 miles from their permanent residence.²

The more reasonable approach would be for the Census Bureau to count Detainees at their permanent residence. This would lead to the accurate determination of the number of eligible voting residents for that particular district. Moreover, it would eliminate the perverse incentive to site detention facilities far distances from Detainees’ permanent residences. If detention facilities are more easily accessible, then the recidivism rate will be reduced by increase contact between families and friends and Detainees, which will reduce the prison and jail costs.

Thank you this opportunity to provide comments on this very important criminal justice matter.

¹ See *Notice and Request for Comment*, 80 Fed. Reg. 28950 (rel. May 20, 2015) (the “Public Notice”).

² *Incarcerated Parents and Their Children*, Bureau of Justice Statistics (Aug. 2000) (www.bjs.gov/content/pub/pdf/iptc.pdf).

c97

I am writing this letter to respond to the proposed 2020 Census “Residence Rule and Residence Situations” that is open for public comment.

I believe that there is a serious problem with category number 13, (“People in Correctional Facilities for Adults”). In each of the listed subcategories (a through d) of number 13, people are proposed to be: “Counted at the Facility.”

Your question was about problems seen in the 2010 Census with the rules; but as this part of the rule has been unchanged for at least the last several decades; my experience in the 1990, 2000 and 2010 redistricting cycles may be helpful.

I live, since the late 1990's, in Franklin County, New York, a rural county that has a large prison population. Prisoners are not residents of our community as they originate outside of our community, they have no interaction with our community and immediately leave the community when their sentences expire or when the Department of Corrections chooses to transfer them elsewhere. Enumerating these populations as part of our community forces our community to choose between either: (1) rejecting your counts, or (2) using census data that dilutes the votes of most of our community's residents to the benefit of the few who live immediately adjacent to the prison.

I have been concerned about the implications of your "residence rule" for democracy within rural communities since the 1990 Census when I was a resident of another upstate New York county which similarly hosted a large correctional facility. I, and many of my Jefferson County neighbors were concerned and raised public awareness that relying on your counts resulted in county apportionment that diluted the votes of residents who did not live near the prisons.

In the late 1990's, I moved to Franklin County and was again involved as a citizen activist in redistricting. There, I was pleasantly surprised to learn that I would not need to organize a post-2000 lawsuit against Franklin County because my county was already committed to modifying your census data to remove the prison populations and avoid what is now commonly called "prison gerrymandering."

However, a controversy that erupted in the neighboring county of St. Lawrence over prison-counting after the 2000 Census led me to discover that the rejection of Census Bureau prison counts in rural communities was the rule, not the exception. In summary,

St. Lawrence County had, after the 1990 Census, traditionally rejected your prison counts, but for “outcome determinative” reasons decided to include the prison populations in the post-2000 districts. The public objected, with thousands of county residents signing a petition requesting the redistricting plan be put on the ballot. The county leadership rejected the petition and in response the public defeated the political party responsible for the prison gerrymandering in the next election.

Around this time, an upstate newspaper contacted other counties in the state to see how they were currently handling the prison populations, and I surveyed several counties that this newspaper missed. This survey work inspired the Prison Policy Initiative to do a more formal survey analysis which they published as “Phantom constituents in the Empire State: How outdated Census Bureau methodology burdens New York counties“ concluding that the majority of New York State counties with large prisons rejected prison gerrymandering.

	<p>What should be obvious from my letter is that I, along with the elected leaders of my county, were concerned that including the prison population where the Census Bureau counted it but where those people -- 10% of our county's Census population -- do not reside would have a vote dilutive impact on the other parts of our county. We simply did not want to draw a county legislative districts that had a preponderance of incarcerated people. Such districts would have given every county resident living near the prisons much more voting power than the other residents of the county.</p> <p>Having considered the effects of "prison gerrymandering" on rural counties that host prisons, I and many of my neighbors came to the obvious conclusion that the Census Bureau's counts are inaccurate in so far as the Bureau counted incarcerated people as residents of the prison locations. As a result, we removed the prison populations from the one set of legislative districts that we could control -- our county districts.</p> <p>And here I feel I need to clarify our approach, given current statements from some plaintiffs in the current Texas case about excluding some non-voting populations from redistricting.</p> <p>For us, in Franklin County, the decision was not whether to count incarcerated people, but where they should rightly be counted, which we think is at their home of record. We had no right to count prisoners as local constituents, they relied on the representative services of their home legislators, and there is nothing that one of our county legislators could do for them.</p> <p>Removing the prison population was the best we could do because we lacked authority over the redistricting bodies of the New York City Council, the Albany City Council and the other home locations of the incarcerated people. As I, along with two neighbors wrote to you in our July 9, 2004 comment letter: "We know of no complaints from prisoners as a result, as they no doubt look to the New York City Council for the local issues of interest to them."</p> <p>Thankfully, New York State took things one step further with the passage of Part XX (ending prison gerrymandering at the state and local levels) which made sure that all state prisoners are counted in the appropriate locations. This is legislation that I and many of my neighbors supported. And while I support Part XX, I must note that the law had one shortcoming that only the Census Bureau can fix: Part XX did not reallocate federal prisoners to their homes; it simply removed them from the count.</p> <p>The Census Bureau is the only entity which can provide a complete solution to the redistricting confusion caused by the current "usual residence rule." I urge you to adjust this policy and count all prisoners at their homes of record in the next federal Census.</p>
c98	<p>My name is _____. For over 25 years, I have provided redistricting expertise to civil rights organizations, community groups, and local governments across the country. I estimate that I have developed state and local election plans for at least 750 jurisdictions in about 40 states – primarily in the American South and Rocky Mountain West (Indian Country). I have testified in federal courts on voting matters in about 35 cases and submitted declarations or been deposed in an additional 50 cases.</p> <p>I always recommend to local-level clients that the prison population should be removed or reallocated to establish an apportionment base that is in keeping with the principle of one-person, one-vote. But this adjustment is not always possible to do, given the current structure of the PL94-171 files and some state and local laws that restrict the apportionment base to the counts in the PL94-171 files.</p> <p>I submit this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). I urge you to count incarcerated people at their home address, rather than at the particular facility where they happen to be located on Census Day. Below are four specific steps that I believe you must take for the 2020 Census to more accurately reflect present-day demographic realities.</p>

- (1) Reassign or reallocate all adults in prisons and jails to their home address. This single step would eliminate a distortion in the complete count Census that often results in extreme violations of the one-person, one-vote constitutional principle in state and local election plans.
- (2) Cordon off all prisons and jails (using building footprints) into 2020 census blocks that contain only incarcerated persons. This step is necessary because some percentage of the incarcerated population will continue to list prison and jail facilities as their home address. This will facilitate overpopulating prison-impacted districts to meet one-person, one-vote requirements in statewide election plans and allow for the removal or reassignment (using other official prisoner address documents not relied upon by the Census Bureau) of this remaining non-voting population in local election plans.
- (3) Release an Advance Group Quarters Summary File as I understand you plan to do, within the PL94-171 files (I use the 2010 Advance Group Quarters Summary File almost every day to identify prisons, college dorms, military bases, etc. as I develop election plans. I cannot overstate how useful the 2010 file has been for my work.) The 2020 Advance Group Quarters Summary File will be extremely helpful to identify any of the remaining incarcerated persons who report prison facilities as their home address, as noted in (2) above.
- (4) Release a complete count census block-level summary file that tallies the reallocated prison population by race, age, and ethnicity. I have in mind that this file would be identical in format to the PL94-171 file. It should be released no later than the early summer of 2021. This block-level summary file is critical for Voting Rights Act “ability to elect” analysis -- especially for districts that are close to having 50% minority voting-age populations.

In conclusion, the incarcerated population in the United States is now about 2.3 million. There are 16 states with populations that are less than 2.3 million. A summary file as noted in (4) above is important for various social policy and programmatic reasons unrelated to election plans, such as community development, targeted neighborhood-level programs to reduce recidivism, academic research, etc. Such a summary file will pay for itself over time.

Thank you for the opportunity to comment on the Residence Rule and Residence Situations, as it pertains to the 2020 Census.

c99

I am writing in response to your federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). Thank you for asking for input from the public.

I was once incarcerated. My last residence prior to my incarceration in various Upstate New York prisons was in Queens, New York City. But, I was always counted as if I were a resident of the prison where I was incarcerated.

This most respectfully skews the results of the census so badly, that one is forced to ask: “What is the point of using the census results to ascertain political representation?”

For example. I was in _____ in the town of Warwarsing for some years, and in that town this is what the Census in 2010 showed:

According to the 2010 Census :

Total number of residents in Warwarsing:	13,157
Total prison population in Warwarsing:	1,723

Thus 13% more people are counted as living in Warwarsing than actually live there. As a result Warwarsing is allocated 13% political

	<p>representation more than it should have. Representation which some other community is being deprived of. Like the community I lived in before I was incarcerated for example. And, if you add to that equation the evidence that that African-Americans and Latinos are disproportionately incarcerated, then the figures may even be more seriously skewed for incarcerated members of these communities.</p> <p>I urge you therefore to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>The present system of counting residences in a community, may have worked before the 1980's when the number of people in prison in the U.S. was much lower than it is now. But now, as your own Census Bureau data shows: The count is so skewed, it cannot be considered accurate.</p> <p>In which case one has to ask why bother doing a census at all if the results are inaccurate up to 13% and perhaps even more?</p> <p>Before closing I would like to thank you again for requesting public feedback. This is a very important part of the democratic process.</p>
c100	<p>My name is ____ I spent a considerable amount of time in Federal Prison despite never being convicted of a crime. It is because I have never been convicted that my voting rights remain intact. I was not aware for most of my incarceration that I was being counted in the various states of my incarceration for certain purposes but would be denied the right to vote in those states due to a lack of residency.</p> <p>In 2014 while being held in the United States Medical Center for Federal Prisoners in Springfield, Missouri I attempted to register to vote. I received the voting registration forms and submitted them to the Greene County Clerk. I received mail stating that my registration was not completed because I had not submitted identification and I did not provide an acceptable address. I assumed this to mean that I could not use a P.O. Box as an address and I corrected this by resubmitting my form with a copy of identification and the physical address of the facility. Even at this point the Greene County clerk refused to complete my registration on the grounds that I was not considered a resident for voting purposes despite being counted as a resident for districting purposes. For this level of disenfranchisement to exist in the United States in 2015 is incredibly alarming and in need of immediate attention at all levels of federal and state government.</p>
c101	<p>The NAACP Legal Defense and Educational Fund, Inc. (“LDF”) submits this comment letter in response to the Census Bureau’s federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015), (“Rule”). Beginning with the 2020 Census and each subsequent decennial census, LDF urges the Census Bureau to count incarcerated people as residents of their last known pre-arrest home address, rather than of the particular prison facility where they happen to be located on Census day. Not only would this change to the Rule be consistent with many state laws, whereby incarcerated people maintain their pre-arrest address and do not lose that residence by virtue of being temporarily incarcerated, but also it would help bring the redistricting processes of states and localities into greater conformity with fundamental principles of an inclusive democracy.</p> <p>Founded under the leadership of Thurgood Marshall, LDF, now in its 75th anniversary year, is the nation’s oldest civil rights and racial justice law firm. One of LDF’s core missions is the achievement of the full, equal, and active participation of all Americans, particularly Black Americans, in the political process.¹ Consistent with this mission, LDF has advocated – through litigation and public policy – for the elimination of prison-based gerrymandering, the practice by states and localities of counting, for redistricting purposes, incarcerated people as residents of the prison facilities where they are held, rather than where they actually lived prior to their arrest.²</p> <p>In carrying out prison-based gerrymandering, states and localities often rely on Census data and, under the current Rule, the Census Bureau counts incarcerated people where they are confined.³ As explained in further detail below, however, prison-based gerrymandering is unlawful precisely because it artificially inflates population numbers, and thus, the political influence, of districts</p>

where prisons are located, at the expense of voters living in all other districts. Indeed, prison-based gerrymandering is all-too reminiscent of the infamous “three-fifths compromise,” whereby enslaved and disfranchised African American people were counted to inflate the number of constituents in—and thus, the political influence of—Southern states before the Civil War.⁴

On previous occasions, LDF has called upon the Census Bureau to change its Rule⁵ to count incarcerated people at their last known pre-arrest home address, not where they are incarcerated, to: (1) conform with legal principles on residence; (2) conform with the ordinary definition of resident; (3) avoid inflating the political power of more rural and suburban areas where prisons tend to be located and where white residents predominantly live, at the expense of urban areas where there are fewer prisons and minority communities predominantly live; and, (4) provide a more accurate picture of the nation.

First, the current Rule, which counts incarcerated people as residents of the facilities wherein they are incarcerated, contravenes basic legal principles on residence. Nearly every state has a constitutional provision or statute providing that a person does not gain or lose residence in a place by virtue of being incarcerated. Rather, an incarcerated person typically “retains the legal residence that he or she had prior to arrest, and continues to maintain residence in that county for a variety of purposes, such as court and tax filings.”⁶ For example, under Connecticut state law, a person does not gain or lose legal residence by virtue of being incarcerated,⁷ and, similarly, under Rhode Island state law, a person’s domicile shall not be lost based on confinement in a correctional facility.⁸

Second, incarcerated people are not residents, in the ordinary sense of the word, of the areas in which they are confined. Most fundamentally, in the overwhelming majority of states, incarcerated people cannot vote as residents of the places where they are confined.⁹ And, in the limited places where incarcerated people are permitted to vote, as in Maine and Vermont, they do so by absentee ballot in their home communities.¹⁰ Incarcerated people do not choose the places in which they are confined and can be moved at any time at the discretion of prison officials.¹¹ Wherever they are located, incarcerated people do not interact with or develop meaningful and enduring ties to the communities surrounding the prison facilities since, for example, they cannot use local services such as parks, libraries, highways, and roads.

Third, counting incarcerated people as residents of the places in which they are confined artificially inflates the population numbers, and thus, the political influence of the residents in districts where prisoners are located, to the detriment of all other voters who do not live in districts with prisons.¹² Additionally, by counting incarcerated people as residents of the facilities where they are incarcerated, rather than in the place where they lived prior to incarceration, Census data suggests many counties are racially and ethnically diverse, even when this is not the reality.¹³ Subsequently, officials use that flawed data to draw legislative districts, and the districts that gain political clout are often places where diverse populations have little presence, voice, or influence.¹⁴

Indeed, the stark racial and ethnic disparities that exist between those in prison and those living in the surrounding county, due at least in part from the prison construction boom, which took place primarily in rural areas, is distressing. For example, in Martin County, Kentucky, 884 incarcerated Black individuals make up 56 percent of the incarcerated population, but 12 Black residents make up only about 1 percent of the county’s non-incarcerated population.¹⁵

Ultimately, artificial inflation of voting power often benefits more rural and suburban areas where prisons tend to be located and where white residents predominantly live.¹⁶ Conversely, this artificial inflation dilutes the voting strength of urban areas where prisons are fewer and, thereby, weakens the political power of minority communities. This contravenes the constitutional principle of one person, one vote, which requires that everyone is represented equally in the political process,¹⁷ as well as the prohibition by the Voting Rights Act, now celebrating its 50th anniversary year, on the dilution of the voting strength of minority communities.¹⁸

For example, after the 2000 Census, while 68 percent of Maryland's incarcerated individuals were from Baltimore, the Census Bureau counted only 17 percent of the state's incarcerated individuals in that City.¹⁹ Maryland responded to this distortion of its legislative districts in 2010 by passing legislation, which requires certain officials to work in tandem to adjust population data so that incarcerated individuals are counted at their last-known residence for Congressional, state, and local redistricting.²⁰

Similarly, after the 2000 Census, in New York, seven state senate districts met minimum population requirements only because the Census counted incarcerated people as if they were upstate residents.²¹ New York responded to this artificial inflation of these legislative districts by passing legislation to adjust the population data after the 2010 Census to count incarcerated people at their respective homes for redistricting purposes.²²

Maryland and New York are not the only leading jurisdictions to take action statewide to end the problem of prison-based gerrymandering. Other states, like California and Delaware have passed similar laws,²³ and over 200 local counties and municipalities, have all individually adjusted population data to avoid prison-based gerrymandering when drawing their districts.²⁴ Notably, the democracy-distorting effects of prison-based gerrymandering are felt most keenly at the local level where total population numbers are smaller and the presence of large prison facilities can have a greater skewing effect.

Meanwhile, other states, like Illinois, where, for example, 60 percent of incarcerated people have their home residences in Cook County (Chicago), yet 99 percent of them were counted in the 2010 Census as if they resided outside of Cook County,²⁵ have considered legislation to respond to such artificial inflation.²⁶

Despite progress on these fronts, this ad hoc—state by state and locality by locality— approach to addressing prison-based gerrymandering is neither efficient nor universally implementable. The Massachusetts Legislature, for example, concluded that the state constitution did not permit legislation to eliminate the practice of prison-based gerrymandering; though, in recognizing the need to address the problematic practice, the Legislature sent the Census Bureau a resolution in 2014 urging the Bureau to tabulate incarcerated persons at their home addresses.²⁷ The Bureau should heed these calls to update the Rule.

Consistent with the Bureau's notice inviting comments on the Rule, and the Census Bureau's agreement in 2010 to make prisoner population numbers available to states and localities in time for those figures to be taken into account in the redistricting process, LDF recognizes that the Census Bureau continues to strive to count everyone in the right place in keeping with changes in society and population realities. And, indeed, society has changed with the incarcerated population in the U.S. exploding from less than half a million in the 1980s to over two million people today.²⁸ This incarcerated population is disproportionately male and Black and Brown.²⁹ Accordingly, the current Rule should be updated to count incarcerated people at their last known pre-arrest address rather than the prison facility where they are confined on Census day.

By changing the current Rule, the Census Bureau will support state and localities' efforts to ensure compliance with the one-person, one vote constitutional principle and the Voting Rights Act's protection of minority communities' voting strength. Ultimately then, an updated and more accurate Rule that counts incarcerated people at their pre-arrest address, rather than at the prison facilities where they are incarcerated, will help ensure a more robust democracy for the benefit of all Americans.

Thank you for this opportunity to comment on the Rule. If you have any questions or concerns, please do not hesitate to contact _____, Assistant Counsel, at _____ or me.

¹ LDF has represented parties in voting rights cases before federal courts throughout the country and the U.S. Supreme Court. *See, e.g.*,

Shelby County Alabama v. Holder, 570 U.S. 2 (2013) (defending the constitutionality of Section 5 of the Voting Rights Act); *Nw. Austin Mun. Util. Dist. No. One v. Holder* 557 U.S. 193 (2009) (same); *Thornburg v. Gingles*, 478 U.S. 30 (1986) (defining the scope of Section 2 of the Voting Rights Act); *Smith v. Allwright*, 321 US 649 (1944) (abolishing the white primary).

² See, e.g., Brief of the Howard University School of Law Civil Rights Clinic, the American Civil Liberties Union of Maryland, the Maryland State Conference of the NAACP Branches, Somerset County Branch of the NAACP, the NAACP Legal Defense and Educational Fund, Inc., the Prison Policy Initiative and DEMOS as Amici Curiae Supporting Respondents, *Fletcher v. Lamone*, 831 F. Supp. 2d 887 (D. Md. 2011), *aff'd*, 133 S. Ct. 29 (2012), <http://www.naacpldf.org/document/fletcher-v-lamone-brief-naacp-legal-defense-and-educational-fund-inc-et-al> (arguing for the constitutionality of Maryland’s legislation, “No Representation Without Population Act,” which, for purposes of redistricting, credited incarcerated people to their last known address); Decision/Order, Index No. 2310-201, *Little v. Latfor* (N.Y. Sup. Ct. Aug. 4, 2011), <http://www.naacpldf.org/document/order-granting-intervention> (granting motion to intervene of LDF, the Brennan Center for Justice, the Center for Law and Social Justice, Dēmos, LatinoJustice PRLDEF, the New York Civil Liberties Union, and the Prison Policy Initiative, to defend New York’s Part XX legislation to end prison-based gerrymandering).

See also Letter from Leah C. Aden, Assistant Counsel, LDF, to Cale P. Keable, Chairperson, Rhode Island House Committee on the Judiciary, Apr. 13, 2015, [http://www.naacpldf.org/document/letter-urges-rhode-island-house-committee-judiciary-pass-pending-legislation-ending-prison-\(urging-the-rhode-island-legislature-to-pass-legislation-to-end-prison-based-gerrymandering-in-the-state\)](http://www.naacpldf.org/document/letter-urges-rhode-island-house-committee-judiciary-pass-pending-legislation-ending-prison-(urging-the-rhode-island-legislature-to-pass-legislation-to-end-prison-based-gerrymandering-in-the-state)); *Hearing Regarding HB 6679 Before the Connecticut General Assembly Joint Committee on Judiciary*, Apr. 1, 2013, <http://www.cga.ct.gov/2013/JUDdata/Tmy/2013HB-06679-R000401-Leah%20Aden%20%20NAACP%20Legal%20Defense%20and%20Educational%20Fund-TMY.PDF> (urging the Connecticut legislature to pass legislation to end prison-based gerrymandering in the state); *Hearing Before the Kentucky General Assembly Task Force on Elections, Constitutional Amendments, and Intergovernmental Affairs*, Aug. 23, 2011, <http://www.naacpldf.org/document/da-le-ho-testimony-kentucky-prison-based-gerrymandering> (urging the Kentucky legislature to pass legislation to end prison-based gerrymandering in the state); *Hearing Regarding AB 420 Before the California State Senate Committee on Elections and Constitutional Amendments*, June 21, 2011, <http://www.naacpldf.org/document/da-le-ho-california-testimony> (urging the California legislature to pass legislation to end prison-based gerrymandering in the state).

³ While there is no requirement that states and localities rely exclusively on Census data during redistricting, states and localities commonly do. See, e.g., *Bethel Park v. Stans*, 449 F.2d 575, 583 (3rd Cir. 1971) (“Although a state is entitled to the number of representatives in the House of Representatives as determined by the federal census, it is not required to use these census figures as a basis for apportioning its own legislature.”).

⁴ NAACP LDF, CAPTIVE CONSTITUENTS: PRISON-BASED GERRYMANDERING AND THE DISTORTION OF OUR DEMOCRACY at 2, available at http://www.naacpldf.org/files/case_issue/captive_constituents.pdf (last visited Jun. 23, 2015) [hereinafter *Captive Constituents*].

⁵ See, e.g., Letter From Stakeholders to Thomas Mesenbourg, Acting Director, U.S. Census Bureau (Feb. 14, 2013) (<http://www.prisonersofthecensus.org/letters/feb2013.html>).

⁶ *Captive Constituents*, *supra* n.4 at 2.

⁷ Gen. Stat. Conn. 9-14 (“Electors residing in state institutions. No person shall be deemed to have lost his residence in any town by reason of his absence there from in any institution maintained by the state. No person who resides in any institution maintained by the state shall be admitted as an elector in the town in which such institution is located, unless he proves to the satisfaction of the admitting official that he is a bona die resident of such institution.”).

⁸ Rhode Island General Laws § 17-1-3.1 Residence for voting purposes (“(a) A person’s residence for voting purposes is his or her fixed and established domicile. The determinant of one’s domicile is that person’s factual physical presence in the voting district on a regular basis incorporating an intention to reside for an indefinite period. This domicile is the place to which, upon temporary absence, he or she has the intention of returning. Once acquired, this domicile continues until another domicile is established. A person can have only one domicile, and the domicile shall not be considered lost solely by reason of absence for any of the following reasons: . . . (2) confinement in a correctional facility . . .”)

⁹ Peter Wagner & Christian de Ocejó, Prison Policy Initiative, *Imported Constituents: Incarcerated People and Political Clout in Connecticut* (Mar. 25, 2010), available at <http://www.prisonersofthecensus.org/ct/report.html> (last visited Mar. 31, 2013)).

¹⁰ *Captive Constituents*, *supra* n.4.

¹¹ *Legal Defense Fund Applauds Legislation Ending Prison-based Gerrymandering*, NAACP LDF (Aug. 4, 2010),

<http://www.naacpldf.org/press-release/legal-defense-fund-applauds-legislation-ending-prison-based-gerrymandering-new-york>.

¹² See *PRISON POLICY INITIATIVE, THE PROBLEM*, <http://www.prisonersofthecensus.org/impact.html> (last visited June 23, 2015).

¹³ In 2010, there existed 161 counties where incarcerated Black individuals outnumber non-incarcerated Black individuals. See *PRISON POLICY INITIATIVE, THE RACIAL GEOGRAPHY OF MASS INCARCERATION*, <http://www.prisonpolicy.org/racialgeography/report.html> (last visited July 16, 2015).

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Although non-metropolitan counties contain only 20 percent of the national population, they are host to approximately 60 percent of new prison construction. *Captive Constituents*, *supra* n.4 at 3.

¹⁷ The Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution requires that electoral representation—other than to the United States Senate—“be apportioned on a population basis.” See *Reynolds v. Sims*, 377 U.S. 533, 567 (1964).

¹⁸ Section 2 of the Voting Rights Act prohibits any “voting ... standard, practice, or procedure...which results in the denial or abridgment of the right of any citizen of the United States to vote on account of race or color.” 42 U.S.C. § 1973. Section 2 also prohibits voting practices that deny the right to vote outright on the basis of race, and those practices that have a dilutive effect on minority vote power. See *Bartlett v. Strickland*, 556 U.S. 1 (2009).

¹⁹ *PRISON POLICY INITIATIVE, ENDING PRISON-BASED GERRYMANDERING WOULD AID THE AFRICAN-AMERICAN VOTE IN MARYLAND* (January 22, 2010), <http://www.prisonersofthecensus.org/factsheets/md/africanamericans.pdf>.

²⁰ H.B. 496, 2015 Reg. Sess. (Md. 2010) (Entitled “No Representation Without Population Act of 2010”) (stating “[t]he population count ...shall count individuals incarcerated in the state or federal correctional facilities, as determined by the decennial census, at their last known residence before incarceration if the individuals were residents of the state.”)

The U.S. Supreme Court subsequently denied a request to consider a challenge to the constitutionality of Maryland’s landmark legislation. NAACP LDF, *United States Supreme Court Affirms Landmark Law Ending Prison Based Gerrymandering*, <http://www.naacpldf.org/update/united-states-supreme-court-affirms-maryland%E2%80%99s-landmark-law-ending-prison-based-gerrymandering>

²¹ *PRISON POLICY INSTITUTE, Gerrymandering and Relying on the Miscalculation of Prisoners Combine to Violate the U.S. Constitution in New York* (last visited July 6, 2015), <http://www.prisonersofthecensus.org/nygerrymander.html>.

²² A. 9710/ S. 6610-C, 233rd Leg., 2010 N.Y. Sess. Laws 57 (McKinney) (“...For such purposes, no personal shall be deemed to have gained or lost a residence, or to have become a resident of a local government, as defined in subdivision eight of section two of this chapter, by reason of being subject to the jurisdiction of the department of correctional services and present in a state correctional facility pursuant to such jurisdiction.”).

²³ An Act to Add Section 21003 to the Elections Code, Relating to Redistricting, AB 420, 2011-12 Reg. Sess. Ch. 548 (Cal. 2012) (“...the Legislature hereby requests the Citizens Redistricting Commission to deem each incarcerated person as residing at his or her last known place of residence, rather than at the institution of his or her incarceration, and to utilize the information furnished to it ... in carrying out its redistricting responsibilities.”); An Act to Amend Title 29 of the Delaware Code Relating to State Government, H.B. 384, 145th Gen. Ass. (Del. 2010) (“The Act provides that the General Assembly may not count as part of the population in a given district boundary any incarcerated individual who was not a resident of the State prior to the individual’s incarceration. In addition, the Act requires that an individual who was a resident of the State of Delaware prior to incarceration be counted at the individual’s last known residence prior to incarceration, as opposed to at the address of the correctional facility.”)

²⁴ *PRISON POLICY INITIATIVE, Local Governments That Avoid Prison-based Gerrymandering*, <http://www.prisonersofthecensus.org/local/> (last updated July 3, 2015).

²⁵ Rose Heyer & Peter Wagner, *Too Big to Ignore: How Counting People in Prisons Distorted Census 2000*, PRISONERS OF THE CENSUS (Apr. 2004), <http://www.prisonersofthecensus.org/toobig/toobig.html#ftnref3>.

²⁶ During the 2014 and 2015 legislative sessions, the Illinois Legislature has considered legislation to end prison-based gerrymandering. *PRISON POLICY INITIATIVE, Illinois*, <http://www.prisonersofthecensus.org/illinois.html>.

During multiple legislative sessions, the Connecticut legislature also has considering legislation to address the practice of prison-based gerrymandering. See LDF Testimony before Connecticut General Assembly, Joint Committee on Judiciary, at 2,

<http://www.cga.ct.gov/2013/JUDdata/Tmy/2013HB-06679-R000401-Leah%20Aden%20-%20NAACP%20Legal%20Defense%20and%20Educational%20Fund-TMY.PDF>; *See also supra* n.2 (reflecting consideration by Kentucky and Illinois to end prison-based gerrymandering).

²⁷ Massachusetts General Court Resolution, *Urging the Census Bureau to Provide Redistricting Data that Counts Prisoners in a Manner Consistent with the Principles of 'One Person, One Vote'* (adopted by the Senate on July 31, 2014 and the House of Representatives on August 14, 2014); *see also* PRISON POLICY INITIATIVE, *Massachusetts Legislature Calls on U.S. Census Bureau: Support Fair Redistricting, End Prison Gerrymandering* (Sept. 30, 2014), <http://www.prisonersofthecensus.org/news/2014/09/30/mass-fair-redistricting/>.

²⁸ *See* U.S. DEP'T OF JUSTICE, BUREAU OF JUSTICE STATISTICS, PRISONERS IN 2008, at 8 (Dec. 2009), <http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=1763> (tabulating the total incarcerated population at 2,304,115).

²⁹ PRISON POPULATION Initiative, *Breaking Down Mass Incarceration in the 2010 Census: State-by-State Incarceration Rates by Race/Ethnicity* (May 28, 2014), <http://www.prisonpolicy.org/reports/rates.html>; *see also* Bruce Drake, *Incarceration Gap Widens Between Whites and Blacks*, PEW RESEARCH CENTER (Sept. 6, 2013), <http://www.pewresearch.org/fact-tank/2013/09/06/incarceration-gap-between-whites-and-blacks-widens/>.

c102

After the 2010 census, my students at DePauw University, located in Putnam County, Indiana, did a project on local government redistricting. As part of this process, we found that some of Indiana's 23 state and 3 federal prisons were distorting representation in local governments, sometimes dramatically.

For example, we have four school corporations and one major state prison in our county. At the time of the 2010 census, the South Putnam School Board had four single-member electoral districts plus one member elected at-large. Seventy percent of the "residents" of one of those electoral districts were actually prisoners in Putnamville prison. The 765 "free residents" of that district elected one board member, as did the 2,493 residents of the school board's most populous district. Thus, voters in the district with a prison had nearly four times the electoral power of voters in the district without a prison. We persuaded the South Putnam School Board to switch to residential districts rather than single-member electoral districts to address this problem, but Henry, Madison, and Vigo were other counties that used single member electoral districts and in which sizable portions of one school board district were prisoners.

School boards were not the only local governments in which we saw dramatic effects. The Sullivan County Council has four members elected from single-member districts (plus three at-large seats). In 2010, Sullivan County had 21,475 residents. Thus, the ideal size of each of the four county council districts would be 5,369. The Wabash Valley correctional complex had 2,118 prisoners or 39% of one district. We found 7 other counties (Henry, LaPorte, Madison, Miami, Parke, Perry and Vigo) where large prisons or prison complexes were seriously distorting democratic representation. My students created a informative website on every county council in Indiana, including maps and analysis, which you might find of interest: <http://indianalocalredistricting.com/counties>

Counting prisoners as residents of their prison rather than as residents of their home undermines one-person-one-vote by giving greater electoral power to those who happen to live near prisons than to other members of their community or district who do not live near a prison. Furthermore, unlike other transient populations who live in group quarters, such as college students and military families, prisoners are disenfranchised, their residency is non-voluntary, they do not participate in the local economy, they are not beneficiaries of local government decisions, which they are powerless to influence, and, in the case of school board districts, prisoners rarely have children who attend local schools.

A survey of all members of the Indiana House of Representatives in 2004 showed that our elected officials who happen to have prisons in their districts do not consider the prisoners to be their constituents. The survey asked:

Which inmate would you feel was more truly a part of your constituency?

- a) An inmate who is currently incarcerated in a prison located in your district, but has no other ties to your district.
- b) An inmate who is currently incarcerated in a prison in another district, but who lived in your district before being convicted and/or whose family still lives in your district.

To quote the study:

"Every single one of the forty respondents who answered the question - regardless of their political party or the presence or absence of a prison in their district - chose answer (b). . . . [I]t is quite clear that representatives do not consider inmates to be constituents of the districts in which they are incarcerated - unless, of course, they happen to have prior ties to those districts." ("Counting Matters," *Virginia Journal of Social Policy and the Law*, Winter 2004)

Electoral equality and representational equality in Indiana would be best served by not counting prisoners as residents of the prison where they happen to be incarcerated at the time of the census.

c103

In response to the Census Bureau's *Federal Register Notice and Request for Comment* dated May 20, 2015, the League of Women Voters of New Jersey respectfully submits this comment regarding Residence Rule and Residence Situations, 80 FR 28950.

The League of Women Voters of New Jersey urges you to count incarcerated people as residents of their legal home addresses. The Census Bureau is "committed to counting every person in the correct place...to fulfill the Constitutional requirement (Article 1, Section 2) to apportion the seats in the US House of Representatives among the states."¹ For fair and equitable apportionment for legal voters, counting incarcerated populations at a correctional institutional is counting them at the incorrect location, one in which they happen to be temporarily located on Census day.

The League of Women Voters has been dedicated to protecting voter's rights since our organization was founded in 1920. The League's mission – Making Democracy Work® – includes ensuring a free, fair and accessible electoral system for all eligible voters. In protecting voting rights, we also want to ensure that each vote carries equal weight when electing state and federal legislators.

Counting incarcerated people at their facility address violates the constitutional principle of "One Person, One Vote" and the Supreme Court's mandate that districts be designed to give each resident the same access to government.² Including prison populations as legitimate constituents in the prison's district gives disproportionate weight to the votes of those legal voters living in that district, more weight than voters living in districts that do not have correctional facilities.

The consequences of the Census Bureau's policy of tabulating incarcerated people as residents of prison locations, rather than at their home addresses, skews democracy on both the state and local levels and is especially problematic in New Jersey where this policy unfairly enhances the weight of cast vote in 13 districts where state correctional facilities are located while diluting the vote in every other district.^{3,4}

This is particularly unfair for residents in Newark, New Jersey's largest city, where the added prison population does not offset the disproportionate number of residents that have been incarcerated and counted in a different district.⁵ Another urban center, Camden, is considered the poorest city in the nation and prison gerrymandering has reassigned 12% of its residents to faraway districts, diluting further the power of the remaining voters.⁶

	<p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. For New Jersey, that number represents 76% of offenders in New Jersey correctional institutions as of January 2015.⁷</p> <p>The League of Women Voters of New Jersey also has identified other unfair outcomes flowing from the Bureau’s current method of counting incarcerated persons. For example, New Jersey does not require school board districts based on population that have 8 or fewer members to exclude correctional populations when apportioning county districts thereby creating significant vote dilution in districts with prison populations.⁸</p> <p>We have previously called upon the Census Bureau to change its practice when the League joined in a letter to Census Bureau Acting Director Thomas Mesenbourg (of February 14, 2013), requesting that the Census Bureau count incarcerated persons at their home address.⁹ The League will continue to watch the NJ Senate Bill 480 and Assembly Bill A-659 that require incarcerated individuals to be counted at their residential address for legislative redistricting purposes.¹⁰</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because the League of Women Voters of New Jersey believes in a population count that accurately represents communities, we urge you to implement changes to the ‘usual residence’ rule to provide a count in the 2020 Census of incarcerated persons at their pre-incarceration addresses.</p> <p>¹ http://www.census.gov/population/www/cen2010/resid_rules/resid_rules.html ² http://www.njleg.state.nj.us/legislativepub/our.asp Legislators are elected from 40 legislative districts of substantially equal population. ³ http://www.state.nj.us/corrections/pages/about_us/org_struct/Division_of_Ops.html ⁴ This count does not include a 14th state facility opened since the 2010 Census. http://www.prisonersofthecensus.org/50states/newprisons.html ⁵ 14% according to http://www.state.nj.us/corrections/pdf/offender_statistics/2015/By%20County%20of%20Commitment%202015.pdf ⁶ http://www.state.nj.us/corrections/pages/about_us/org_struct/Division_of_Ops.html and http://www.state.nj.us/corrections/pdf/offender_statistics/2015/By%20County%20of%20Commitment%202015.pdf ⁷ http://www.state.nj.us/corrections/pdf/offender_statistics/2015/By%20Ethnicity_Race%202015.pdf ⁸ http://www.prisonersofthecensus.org/50states/NJ.html ⁹ http://lww.org/content/league-urges-census-bureau-end-prison-based-gerrymandering ¹⁰ https://legiscan.com/NJ/text/S480/id/916795/New_Jersey-2014-S480-Introduced.html</p>
c104	<i>This comment submission contains graphics and cannot be displayed in this table. It is available as Appendix Attachment c104.</i>
c105	<p>The Center for Living and Learning submits this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). We urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. When this data is used for redistricting, prisons inflate the political power of those people who live near them.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because [org name] believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home address.</p>
c106	Common Cause Delaware (CCDE) and Delaware Americans for Democratic Action (ADA) submit this comment in response to the Census Bureau’s federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). We urge

you to count incarcerated people at their home addresses, rather than at the particular facility that they happen to be located at on Census day.

Ensuring that redistricting is impartial and that legislative lines are drawn in a fair and transparent way is part of the core mission of both CCDE and ADA to promote civic engagement and accountability in government, as is ensuring that every eligible American's vote is counted fairly. Counting incarcerated persons as residents of the district in which they are temporarily held has the effect of unfairly enhancing the political power of those who live and vote in the prison district, while unfairly diluting the votes of those in districts without prisons. Legislators with a prison in their district should not get a bonus for keeping the prison full. This dynamic hurts our democracy, and it hurts the communities from which these incarcerated persons hail.

As you know, American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the explosion in the prison population requires the Census to update its methodology again. A fair redistricting process not only involves complying with the federal law of "one person, one vote" but also with the federal Voting Rights Acts of 1965 which protects minority communities' opportunities "to participate in the political process and to elect representatives of their choice."

The need for change in the "usual residence" rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the number of incarcerated people has more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census.

Currently, four states including our own (California, Delaware, Maryland, and New York) have taken a state-wide approach to adjust the Census' population totals to count incarcerated people at home, and over 200 counties and municipalities individually adjust population data to avoid prison gerrymandering, when drawing their local government districts.

In 2010, Delaware became the second state to pass a law to end prison-based gerrymandering. House Bill 384 required the Department of Correction to collect the home addresses of incarcerated people and required the legislature to draw its districts on the basis of Census Bureau data corrected to count incarcerated people at their home addresses. The Department of Corrections collected and transmitted the address information but, unfortunately, the state was unable to arrange for the geocoding of this address data in time for the legislature's deadline on making their proposals public and had to, reluctantly, postpone full implementation until 2021. A change in the residence rule for incarcerated people by the Census Bureau would meet the state's needs in a much more streamlined fashion.

We're proud Delaware took the first step towards undoing prison-based gerrymandering, but it hasn't been a smooth process, and there is a better way. This ad hoc approach in a few states is neither efficient nor universality implementable. If the Census Bureau would change its practice of counting incarcerated individuals at their home address rather than at the prison location, it would significantly alleviate the burden on state and local agencies and provide an efficient solution to greatly improve the fairness of apportionment and representation for millions of Americans. As you well know, states across the country look to the Census Bureau as the nation's foremost expert on national demographics and data, and more often than not count incarcerated persons the way the Bureau does. Once the Bureau leads the way with an update to a now outdated practice, states are sure to follow.

Thank you for this opportunity to comment on the Residence Rule and Residence Situations; we appreciate the Bureau's aim to count everyone in the right place in keeping with changes in society and population realities. Because Common Cause Delaware and Delaware Americans for Democratic Action believe in a population count that accurately represents communities, we urge you to count

	incarcerated people as residents of their last-known home addresses.
c107	<p>Common Cause Minnesota submits this comment in response to the Census Bureau’s federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). We urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>Common Cause Minnesota works to insure every voice in every community is heard and that those we elect to serve in office are held accountable. Counting those incarcerated at the particular facility fails Minnesota’s democracy in two ways.</p> <p>First, counting prison populations as if they were actual constituents of the district the prison is located gives a few small communities more political power at the expense of everyone who does not live near a prison. The effect is that everyone who does not live in a district that contains a prison has their vote diluted by these artificially inflated populations.</p> <p>Second, counting prison populations in this way also creates a second and more serious problem here in Minnesota in that if people are being counted in prison, they are not being counted in their home community. 47% of people currently incarcerated are people of color which is a huge disparity with the 18.1 % people of color represent in Minnesota’s population. In turn, the communities in which those incarcerated lived are now under-represented in terms of their size for every elected official, from city council all the way to their congressional representation.</p> <p>As you know, American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the growth in the prison population requires the Census to update its methodology again.</p> <p>The need for change in the “usual residence” rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the number of incarcerated people as more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census.</p> <p>Currently, four states (California, Delaware, Maryland, and New York) are taking a state-wide approach to adjust the Census’ population totals to count incarcerated people at home, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts.</p> <p>But this ad hoc approach is neither efficient nor universality implementable. The Massachusetts legislature, for example, concluded that the state constitution did not allow it to pass similar legislation, so it sent the Bureau a resolution in 2014 urging the Bureau to tabulate incarcerated persons at their home addresses. <i>See</i> The Massachusetts General Court Resolution “Urging the Census Bureau to Provide Redistricting Data that Counts Prisoners in a Manner Consistent with the Principles of ‘One Person, One Vote’” (Adopted by the Senate on July 31, 2014 and the House of Representatives on August 14, 2014).</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because [org name] believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home address.</p>
c108	<p>On behalf of the NAACP, our nation’s oldest, largest and most widely-recognized grassroots-based civil rights organization, I would like to submit this letter as a comment on the Census Bureau’s federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950, issued on May 20, 2015. We strongly support the Census Bureau’s counting incarcerated people at their most recent residence prior</p>

to incarceration, rather than at the particular facility in which they are incarcerated in on Census day.

As was recently described in its report “The Racial Geography of Mass Incarceration,” the Prison Policy Initiative found that stark racial and ethnic disparities exist between incarcerated people and the people in the county outside the prison's walls¹. The report found that the transfer of African American and Latino incarcerated people to communities very different than their own is a national problem not confined to select states. As a result, hundreds of counties have a 10-to-1 “ratio of over-representation” between incarcerated African Americans and African Americans in the surrounding county — meaning that the portion of the prison that is African American is at least 10 times larger than the portion of the surrounding county².

One example cited in the report is Martin County, Kentucky, which has a ratio of the percentage of its incarcerated population that is African American to the percentage of its non-incarcerated population that is African American of 529, because the 884 incarcerated African Americans make up 56% of the incarcerated population but the 12 African Americans freely living in the county make up only about 0.1% of the county's free population³. This large scale census inaccuracy leads to Martin County, and similar counties like this all across our nation, as being considered diverse when they are not. Furthermore, because of felon dis-enfranchisement laws, the non-ethnic population has much more political power than the racial and ethnic minorities who reside among them. As a result, when state legislatures use that flawed data to draw legislative districts, they transfer African American political values to districts where African Americans have no voice.

The report concludes by saying that “this large-scale transfer of (African American) and Latino people to areas demographically very different than their homes has even larger effects thanks to a unique quirk in the federal Census that counts incarcerated people as if they were willing residents of the county that contains the correctional facility for redistricting purposes.”⁴

The need for change in the “usual residence” rule, as it relates to incarcerated persons, has been growing over the last few decades; and as clearly demonstrated by the report cited above, the time to update this rule is now. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million people. But since then, the nation's incarcerated population has more than quadrupled to over two million people. The manner in which this population is counted now has huge implications for the accuracy of the Census.

By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. When this data is used for redistricting, prisons artificially inflate the political power of the areas where the prisons are located.

As the Bureau strives to count everyone in the right place in keeping with changes in society and population realities, it is imperative that the changes proposed to the Residence Rule be updated. Because the NAACP believes in a population count that accurately represents communities, and because it so acutely impacts the people and we serve and represent, we urge you to count incarcerated people as residents of their home address.

Thank you again for the opportunity to comment on the Census Bureau's Proposed Residence Rule. Should you have any questions or comments on the NAACP position, please feel free to contact me at _____.

¹ *The Racial Geography of Mass Incarceration*, July 2015, by Peter Wagner and Daniel Kopf, Prison Policy Initiative. Found at <http://www.prisonpolicy.org/racialgeography/report.html>

² Ibid

	<p>³ Ibid.</p> <p>⁴ Ibid.</p>
c109	<p>Asian Americans Advancing Justice AAJC (Advancing Justice AAJC) submits this comment in response to the Census Bureau’s federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). We urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>Advancing Justice AAJC is a national non-profit, non-partisan organization founded in 1991. Advancing Justice AAJC’s mission is to advance the human and civil rights of Asian Americans, and build and promote a fair and equitable society for all. Our wide-ranging efforts include promoting civic engagement, forging strong and safe communities and creating an inclusive society. Advancing Justice AAJC is part of Asian Americans Advancing Justice (Advancing Justice), a national affiliation of five nonprofit organizations in Los Angeles and San Francisco, CA, Chicago, IL, Atlanta, GA and Washington, D.C. who joined to promote a fair and equitable society for all by working for civil and human rights and empowering Asian Americans and Pacific Islanders and other underserved communities. Additionally, 120 organizations are involved in Advancing Justice’s community partners network, serving communities in 29 states and the District of Columbia.</p> <p>Together with the Advancing Justice affiliates and our Community Partners, AAJC has been extensively involved in improving the current level of political and civic engagement among Asian American communities and increasing Asian American access to the voting process. We work on enforcement and protection of the VRA and other voting statutes, protection of the vote, and improvement of election administration. During the last redistricting cycle, we worked with the Advancing Justice affiliates and our local partners to ensure Asian American communities had a voice during the redistricting process and were able to work to keep their communities of interest together. Since those efforts, Advancing Justice AAJC has been engaged in conversations around redistricting reform and ensuring proper representation for all.</p> <p>We recognize that American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the growth in the prison population requires the Census to update its methodology again.</p> <p>The need for change in the “usual residence” rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the nation’s incarcerated population has more than quadrupled to over two million people. The Asian American and Pacific Islander (AAPI) prison population increased by 30 percent from 1999 to 2004 while the white prison population rose by only 2.5 percent. During the prison boom in the 1990s, the AAPI prison population grew 250 percent to the overall prison population’s 77 percent. And a closer look at disaggregated data shows that mass incarceration has increasingly become more of an issue for specific AAPI communities. For example, according to a study by the Office of Hawaiian Affairs in 2010, Native Hawaiians comprised about 39 percent of Hawaii's state prison population in comparison to the state's overall Native Hawaiian population of 24 percent.¹ In California, a study found that 64.6 percent of the state’s AAPI prisoners were immigrants and refugees. The largest populations among them were Vietnamese (22 percent) and Filipino (19.8 percent), followed by Pacific Islanders (9.9 percent) and Laotians (8.5 percent).² Thus, the manner in which this population is counted now has huge implications for the accuracy of the Census.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. In Illinois, for example, 60% of incarcerated people have their home residences in Cook County (Chicago), yet the Bureau counted 99% of them as if they resided outside Cook County.</p>

When this data is used for redistricting, prisons artificially inflate the political power of the areas where the prisons are located. In New York after the 2000 Census, for example, seven state senate districts only met population requirements because the Census counted incarcerated people as if they were upstate residents. For this reason, New York State passed legislation to adjust the population data after the 2010 Census to count incarcerated people at home for redistricting purposes.

New York State is not the only jurisdiction taking action. Three other states (California, Delaware, and Maryland) are taking a similar state-wide approach, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts.

But this ad hoc approach is neither efficient nor universally implementable. The Massachusetts legislature, for example, concluded that the state constitution did not allow it to pass similar legislation, so it sent the Bureau a resolution in 2014 urging the Bureau to tabulate incarcerated persons at their home addresses. *See* The Massachusetts General Court Resolution “Urging the Census Bureau to Provide Redistricting Data that Counts Prisoners in a Manner Consistent with the Principles of ‘One Person, One Vote’” (Adopted by the Senate on July 31, 2014 and the House of Representatives on August 14, 2014).

Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because Advancing Justice | AAJC believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home address.

¹ Office of Hawaiian Affairs, Justice Policy Institute, University of Hawai‘i and Georgetown University, Report: The Disparate Treatment of Native Hawaiians in the Criminal Justice System, available at <http://www.oha.org/governance/criminal-justice/>

² Sarita Ahuja and Robert Chlala, Asian Americans/Pacific Islanders in Philanthropy, Widening the Lens on Boys and Men of Color: California AAPI & AMEMSA Perspectives, available at http://www.asianprisonersupport.com/wp-content/uploads/2014/01/aapip_bymoc-final.screen.pdf.

c110

Common Cause/PA submits this comment in response to the Census Bureau’s federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). Our organization strongly urges you to begin counting incarcerated individuals at their home address, rather than at the particular facility that they happen to be located at on Census day.

For over four decades Common Cause/PA has been working to ensure that every citizen of our state who is entitled to vote has the opportunity to do so – and that every vote is counted as cast. However, voters also must believe their votes are meaningful if they are going to participate in elections, and have the opportunity to hold their elected officials accountable. That means we must have competitive elections and every voter’s vote must have nearly equal value. When incarcerated individuals – who cannot vote in Pennsylvania – are counted by the census at their penal facility residence instead of their pre-incarceration home address, that translates into inflated populations for penal institution municipalities. This skews the redistricting process. To ensure that every citizen’s vote carries relatively equal weight when legislative and congressional districts are designed, incarcerated persons must be counted at their pre-sentencing address.

As you know, American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the growth in the prison population requires the Census to update its methodology again.

The need for change in the “usual residence” rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the number of incarcerated

	<p>people has more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census, and ultimately on the fairness of redistricting.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. In Pennsylvania, this has resulted in significant skewing of legislative and congressional districts. Pennsylvania has 18 congressional districts with average populations of 705,688 residents. Over 51,000 inmates are incarcerated in 26 state prisons which are dispersed across twelve of those congressional districts (six districts have no state prisons), according to the PA Dept. of Corrections. Five congressional districts have one state prison; four have two state prisons; two have three state prisons; and the very large rural 5th Congressional District has seven state prisons. The problem becomes even more severe when it is applied to the much smaller state senate and legislative districts which respectively average 254,048 and 62,573 residents.</p> <p>Currently, four states (California, Delaware, Maryland, and New York) are taking a state-wide approach to adjust the Census' population totals to count incarcerated people at home, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts.</p> <p>But this ad hoc approach is neither efficient nor universally implementable. The Massachusetts legislature, for example, concluded that the state constitution did not allow it to pass similar legislation, so it sent the Bureau a resolution in 2014 urging the Bureau to tabulate incarcerated persons at their home addresses. <i>See</i> The Massachusetts General Court Resolution "Urging the Census Bureau to Provide Redistricting Data that Counts Prisoners in a Manner Consistent with the Principles of 'One Person, One Vote'" (Adopted by the Senate on July 31, 2014 and the House of Representatives on August 14, 2014).</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because Common Cause/PA believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home address.</p>
c111	<p>The State of Connecticut African-American Affairs Commission has as its mission to improve and promote the economic development, education, health and political well-being of the African-American community in the State of Connecticut.</p> <p>We strongly urge that the residence rules be changed in the 2020 census for people in correctional facilities for adults and people in juvenile facilities. As you know, American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the growth in the prison population requires the Census to update its methodology again.</p> <p>Currently, four states (California, Delaware, Maryland, and New York) are taking a state-wide approach to adjust the Census' population totals to count incarcerated people at home, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts.</p> <p>The great racial disproportionality in the make-up of the prison population skews the demographics for communities when doing census calculations and gives certain communities over representation in state legislatures. A prisoner is not a part of the community that they happen to end up incarcerated in therefore they should not be included in the population count.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. I urge you to count incarcerated people as residents of their</p>

	home address.
c112	<p>Common Cause NY submits this comment in response to the Census Bureau’s federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). Common Cause NY urges you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>Ensuring that redistricting is impartial and that legislative lines are drawn in a fair and transparent way is part of our core mission to promote civic engagement and accountability in government. Counting people in prison as residents of the district in which they are incarcerated has the effect of unfairly enhancing the political power of those who live in the district with the prison in it while unfairly diluting the votes of those in districts without prisons. Legislators with a prison in their district should not get a bonus for keeping the prison full. This dynamic hurts our democracy.</p> <p>As you know, American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the growth in the prison population requires the Census to update its methodology again. A fair redistricting process not only involves complying with the federal law of “one person, one vote,” but also with the federal Voting Rights Acts of 1965 which protects minority communities’ opportunity “to participate in the political process and to elect representatives of their choice.”</p> <p>The need for change in the “usual residence” rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the number of incarcerated people as more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census.</p> <p>Currently, four states including our own (California, Delaware, Maryland, and New York) are taking a state-wide approach to adjust the Census’ population totals to count incarcerated people at home, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts.</p> <p>After New York finally passed its law to end prison based gerrymandering, the NYS Legislative Task Force on Demographic Research and Reapportionment (LATFOR) was mandated to re-allocate state prisoners to their pre-incarceration home address. Part XX of Chapter 57 of the Laws of 2010 states:</p> <p style="padding-left: 40px;">“Upon receipt of such information for each incarcerated person subject to the jurisdiction of the department of correctional services, the task force shall determine the census block corresponding to the street address of each such person's residential address prior to incarceration (if any), and the census block corresponding to the street address of the correctional facility in which such person was held subject to the jurisdiction of such department. Until such time as the United States bureau of the census shall implement a policy of reporting each such incarcerated person at such person's residential address prior to incarceration, the task force shall use such data to develop a database in which all incarcerated persons shall be, where possible, allocated for redistricting purposes, such that each geographic unit reflects incarcerated populations at their respective residential addresses prior to incarceration rather than at the addresses of such correctional facilities.....The assembly and senate districts shall be drawn using such amended population data set.”</p> <p>Task Force technical staff adjusted the Census Bureau’s 2010 Public Law 94-171 data for New York State legislative redistricting. They created three statewide block-level files, which included every category necessary to accommodate the adjusted data and to make the Department of Correctional Services (DOCCS) data compatible with PL 94-171. The prisoner total to be subtracted from prison based census blocks was 60,708 in 2010. One file was generated with all of the geocoded prisoner addresses and racial/ethnic information from DOCCS (to be added to PL 94-171). Another file was created through aggregating racial and ethnic information by correctional facility</p>

and then disaggregating when prisons were located on multiple blocks. A third block-level file was produced for federal prisoners. The adjustment is based on: Adjusted PL = PL + Geocoded prisoner addresses – DOCCS facilities – Federal facilities. This process took a long time, with considerable bureaucratic delays. LATFOR did not complete its prisoner reallocation until 2012.

Such prisoner reallocation greatly impacted how the people of NYS are represented. North Brooklyn Senate District 18, represented by Senator Martin Dilan, had the largest gain in reallocated prisoner population with 2,100 people. In total, Brooklyn Senate Districts gained over 8,500 people, and New York City as a whole gained over 21,000, mostly minority people. Assembly Districts 55 and 56 in central Brooklyn, both represented by African American women, also had significant gains in population after prisoner readjustment, 1,193 and 1,090 people respectively. In contrast, Senate District 45, which encompasses Clinton, Essex, Franklin, Saint Lawrence, Warren and Washington counties, lost over 12,000 of its population count due to the prisoner readjustment. According to a 2012 DOCCS report, almost half, or about 47%, of the incarcerated population had a home residence in the five boroughs of New York City, and only 12% were committed from Long Island, Rockland and Westchester counties. The rest of the incarcerated population came from upstate. Of the total incarcerated population, 49.5% was African-American and 23.6% Hispanic.

The importance of re-knitting a community's once-fractured state of political representation cannot be overstated and many New York State's upstate counties also strengthened the voice of their minority communities through reallocation. For example, Monroe County gained almost 3,000 people, with over 2,000 African-Americans while Onondaga County counted almost 2,000 residents, over half of them minorities.

There were several challenges with implementing New York's law, namely the technical challenges for LATFOR, partisan political opposition to applying the law's mandates and the extreme delays in receiving data from DOCCS, which deferred the entire redistricting process and complicated public engagement efforts of democracy advocates. Also, New York's 2010 law only requires population data to be adjusted for state Senate and Assembly districts, not for Congressional districts, and thus does not solve the problem of underrepresentation for New Yorkers in its entirety.

This ad hoc approach in a few states is neither efficient nor universality implementable. If the Census Bureau would change its practice of counting incarcerated individuals at their home address rather than at the prison location, it would significantly alleviate the burden on state and local agencies and provide an efficient solution to greatly improve the fairness of apportionment and representation for millions of Americans.

Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because Common Cause NY believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home address.

c113

Common Cause Rhode Island submits this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). Common Cause Rhode Island urges you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census Day.

Common Cause Rhode Island has been supportive of ending prison-based gerrymandering for five years, advocating for legislation before the Rhode Island General Assembly that would count prisoners in their home communities, consistent with Rhode Island law. Because Rhode Island has a single prison complex the problem of prison-based gerrymandering is particularly pernicious in our state.

As you know, the American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the

	<p>growth of the prison population requires the Census to update its methodology again.</p> <p>The need for change in the "usual residence" rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the number of incarcerated people has more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census.</p> <p>By designating a prison cell as a residence in the 201 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. In Rhode Island, this resulted in a state legislative district in which 15% of the population is incarcerated, diluting the voting power of the state's other residents.</p> <p>Currently, four states (California, Delaware, Maryland, and New York) are taking a state-wide approach to adjust the Census' population totals to count incarcerated people at home, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts. The Rhode Island Senate has passed legislation to do the same after the 2020 Census.</p> <p>But this ad hoc approach is neither efficient nor universally implementable. The Massachusetts legislature, for example, concluded that the state constitution did not allow it to pass similar legislation, so it sent the Bureau a resolution in 2014 urging the Bureau to tabulate incarcerated persons at their home addresses. <i>See</i> The Massachusetts General Court Resolution "Urging the Census Bureau to Provide Redistricting Data that Counts Prisoners in a Manner Consistent with the Principles of 'One Person, One Vote" (Adopted by the Senate on July 31, 2014 and the House of Representatives on August 14, 2014).</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because Common Cause Rhode Island believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home address.</p>
c114	<p>On behalf of Connecticut Working Families, I submit this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). I urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>Working Families organizes for social, economic and racial justice. We have historically advocated for laws and policies that improve the quality of life of workers and their families. Our model is centered on building power within communities by engaging all people in the political process. We firmly believe in political participation, both at the polls and at the General Assembly.</p> <p>As you know, American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the growth in the prison population requires the Census to update its methodology again.</p> <p>The need for change in the "usual residence" rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the number of incarcerated people as more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census.</p>

	<p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. In Connecticut, while Black individuals make up only 10% of the population, they make up 41% of the incarcerated population. Similarly, Latino individuals make up 13% of the total population but represent 29% of the incarcerated population. The practice of counting a prison cell as a residence has undoubtedly removed power from urban communities of color to mostly white suburban areas. In our state, the vast majority of the prison population was concentrated in 5 small towns, whose residents are mostly white. These towns have been able to count thousands of African Americans and Latinos as their own residents, even though these individuals were housed there only temporarily, and sentenced to those particular facilities for reasons that are frequently arbitrary.</p> <p>We believe that the practice of counting incarcerated people as residents of the area in which they are housed compromises the democratic process. Those areas that house prisons add to their population count and thus their political clout. Larger districts are drawn thereby increasing the power of not only those that are elected but those who live near these prisons. But incarcerated people see no direct benefit for the usurpation of their political power.</p> <p>This must change and it can start with the Census reforming its approach.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because Working Families believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home address.</p>
c115	<p>Please accept these comments in response to the Census Bureau’s notice regarding the 2020 Decennial Census Residence Rule and Residence Situations.¹ I write to respectfully ask that the Bureau count incarcerated people at their home address, rather than at the particular facility in which they happen to be confined on census day.</p> <p>I urge the Bureau to revise its methodology regarding the residency of incarcerated people for two reasons: one practical, and one historical. From a practical perspective, the Bureau’s decision to deem prison cells as residences had the effect—in the 2010 Census—of concentrating a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. When this data is used for redistricting, prisons inflate the political power of those people who live near them.</p> <p>I know this dynamic from personal experience: during the 2000 Census, I lived in Colorado’s Fifth Congressional District, which benefits substantially from the Bureau’s method of counting incarcerated populations. The Fifth District is comprised of many rural communities including Fremont and Chaffee Counties, which currently house roughly one-third of Colorado’s adult prison population.² An additional 47% of Colorado prisoners are held in facilities in the Forth Congressional District, which covers the eastern plains.³ All of this despite the fact that half of the state’s adult inmates come from the urban counties of Denver, Jefferson, Adams, and Arapahoe⁴ (all of which are located outside of the prison-laden Fourth and Fifth Districts). I currently live in Oregon, where I am on the opposite side of this dynamic: I live in the Willamette Valley, which houses the majority of the state’s population (and, by extension, is home to the majority of people sent to prison). Yet over half of Oregon’s prisons are located in rural areas outside the Willamette Valley. This unfortunate dynamic is replicated in most states, and the problematic distortions that arise from the Bureau’s methodology are widely acknowledged.⁵ The Bureau’s current methodology (which the Bureau proposes to continue during the 2020 Decennial Census) exacerbates these problems and should be revised.</p> <p>There are also historical reasons in support of revising the Bureau’s methodology. The first Census-related policy in the country’s history consisted of the notorious three-fifths clause in article I, section 2 of the U.S. Constitution. The history behind this provision provides</p>

additional support for revising the Bureau’s current methodology. The original draft language of the Constitution called for Congressional apportionment according to principles of “wealth” and the number of inhabitants.⁶ This original language was designed to protect the power of agricultural, slave-holding states. The reference to wealth was removed after delegates argued it would lead to political manipulations that would protect entrenched interests at the expense of democratic representation.⁷ Arguing successfully in favor of removing the reference to wealth, delegate James Wilson of Pennsylvania noted that concerns about population growth and concomitant increases in political power had led to the separation of the colonies from Britain, and that similar problems would beset the new nation if it did not allocate power based on straightforward population counts: “if numbers be not a proper rule,” argued Wilson, “why is not some better rule pointed out.”⁸

Although the Constitutional Convention removed the reference to wealth, the three-fifths provision remained in force until it was vitiated by the ratification of the Fourteenth Amendment in 1868. It is now time to erase all historical vestiges of inequality by ensuring fair and equitable enumeration of incarcerated people. The debates of the Constitutional Convention show that the framers desired political representation that was based on an accurate enumeration of population; the three-fifths provision was added as a political compromise to appease regional powers that ultimately lost this long-running argument in the Civil War. Today, mass incarceration has replaced slavery as a preeminent method of social, political, and economic control. Prisoners are increasingly commoditized and treated as economic units rather than people—a troubling dynamic that is exacerbated by the Bureau’s current methodology regarding correctional facilities.⁹ Incarcerated people are involuntarily confined and have no choice in selecting the location of their incarceration; further, unless someone happens to be incarcerated in their community of origin, they have no real economic, political, or emotional connection to the place of their confinement. Accordingly, the Bureau should count incarcerated people as members of the communities where they maintain ties: namely, the community in which they resided prior to incarceration.

Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. I believe that history and sound principles of public policy demand a population count that accurately represents communities; accordingly, I urge you to count incarcerated people as residents of their home address.

¹ 80 Fed. Reg. 28950 (May 20, 2015)

² Colo. Dept. of Corr., Monthly Population and Capacity Report (Jun. 30, 2015).

³ *Id.*

⁴ Colo Dept. of Corr., *Statistical Report: FY 2013*, fig. 35.

⁵ See e.g., Marie Gottschalk, *Caught: The Prison State and the Lockdown of American Politics* (2015), 251-256; Peter Wagner & Daniel Kopf, *The Racial Geography of Mass Incarceration* (Jul. 2015), available at <http://www.prisonpolicy.org/racialgeography/report.html>.

⁶ See James Madison, *Notes of Debates in the Federal Convention of 1787*(1966), 285.

⁷ *Id.* at 285-287.

⁸ *Id.* at 287.

⁹ See e.g., Stephen Rahe, *The Business of Punishing: Impediments to Accountability in the Private Corrections Industry*, 13 Richmond J. of L. and the Public Interest 209, 220-228 (2010).

c116

Common Cause Oregon submits this comment in response to the Census Bureau’s federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). We ask that you count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.

Common Cause is a nonpartisan not-for-profit public interest group that works to safeguard and improve the democratic process. The organization has a long history of leadership, both nationally and here in Oregon, in support of fair and democratic redistricting. In Oregon, we just helped pass state legislation to bring more public participation and transparency to the state’s redistricting process. We’ve also been

	<p>working to address the very problem you are considering now – the fact that counting prisoners where they are incarcerated serves to arbitrarily concentrate a large group of non-voters and thus skew the relative strength of voters.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. When this data is used for redistricting, prisons inflate the political power of those people who live near them.</p> <p>In Oregon, the Native American population is one population that has lost voting strength due to this distortion. With incarceration rates at more than twice the rate of White Oregonians, Native Americans make up 1% of the total Oregon population but 3% of the incarcerated population. For the most part, Oregon prisons are located outside of tribal areas so that that voting power of non-incarcerated Native Americans is diluted.</p> <p>This distorting effect plays out not only between communities with and without prisons, but also within the communities where prisons are located. For instance, in Pendleton Oregon, the prison population at the Eastern Oregon Correctional Institution makes up roughly 28% of a single Pendleton city council district. Every 3 residents of that district have the political power of 4 residents in other parts of the city.</p> <p>While Common Cause and others are trying to remedy this situation here in Oregon, it would be far better to resolve this through the Census Bureau’s own process. This is too important an issue – getting at the heart of the one-person-one-vote principal – to address piecemeal, state by state.</p> <p>We appreciate that you are looking into this matter and thank you for this opportunity to comment.</p>
c117	<p>Common Cause Indiana submits this comment in response to the Census Bureau’s federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). Common Cause Indiana urges you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>Ensuring that redistricting is impartial and that legislative lines are drawn in a fair and transparent way is part of our core mission to promote civic engagement and accountability in government. So is ensuring that every eligible American’s vote is counted fairly. Counting incarcerated persons as residents of the district in which they are temporarily held has the effect of unfairly enhancing the political power of those who live and vote in the prison district while unfairly diluting the votes of those in districts without prisons. Legislators with a prison in their district should not get a bonus for keeping the prison full. This dynamic hurts our democracy. And it hurts the communities from which these incarcerated persons hail.</p> <p>As you know, American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the explosion in the prison population requires the Census to update its methodology again. A fair redistricting process not only involves complying with the federal law of “one person, one vote” but also with the federal Voting Rights Acts of 1965 which protects minority communities’ opportunities “to participate in the political process and to elect representatives of their choice.”</p> <p>The need for change in the “usual residence” rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the number of incarcerated people has more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census.</p>

In Indiana, the city of Terre Haute (the county seat of Vigo County) exemplifies the problem. The 2000 Census counted 1,764 federal prisoners as if they were residents of the city, and when the city used that data for redistricting it drew a City Council where more than 20% of the “residents” were in fact prisoners in a federal prison complex located within town boundaries. This gave each group of 8 residents in that district the same clout as 10 residents in other city council districts. Because the prison nearly doubled in size over the ensuing decade, the distortion of voting power would have been particularly dramatic after the next redistricting. After the 2010 Census just two people who live near the prison could have had as much say in city affairs as three people in any other district. With such stark numbers, the flaw in the Census’ data became apparent and the City corrected the 2010 Census data and was able to then draw equal districts. (For more details, see the attached editorial from a local paper.)

While Terre Haute has created an interim solution, the situation also illustrates the inefficiency of such a one by one approach. As I mentioned earlier, Terre Haute is the county seat of Vigo County, which had to tackle the same problem in its own redistricting even after Terre Haute solved theirs.

As our cities and counties continue to individually tackle the inaccuracies in the Bureau’s data, four states (California, Delaware, Maryland, and New York) have taken a state-wide approach to adjust the Census’ population totals to count incarcerated people at home, and over 200 counties and municipalities individually adjust population data to avoid prison gerrymandering when drawing their local government districts.

This ad hoc approach in a few states is neither efficient nor universally implementable. If the Census Bureau would change its practice of counting incarcerated individuals at their home address rather than at the prison location, it would significantly alleviate the burden on state and local agencies and provide an efficient solution to greatly improve the fairness of apportionment and representation for millions of Americans. As you well know, states across the country look to the Census Bureau as the nation’s foremost expert on national demographics and data, and more often than not count incarcerated persons the way the Bureau does. Once the Bureau leads the way with an update to a now outdated practice, states are sure to follow.

Thank you for this opportunity to comment on the Residence Rule and Residence Situations; we appreciate the Bureau’s aim to count everyone in the right place in keeping with changes in society and population realities. Because Common Cause Indiana believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their last-known home addresses.

c118

I represent Wisconsin State Assembly Legislative district _____ in _____, Wisconsin and submit this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). I urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.

As an elected representative, I am keenly aware that democracy, at its core, rests on equal representation. And equal representation, in turn, rests in part on an accurate count of the nation's population. Moreover, an accurate count of the nation's population has far reaching implications for how legislative and congressional districts are drawn and how important federal and state resources are allocated.

The Census has evolved immensely since the first Census 225 years ago. Today, the growth in the prison population requires the Census continue that evolution. The need for change in the "usual residence" rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the number of incarcerated people has more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census.

	<p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. In Wisconsin, state legislative district 53, drawn after the 2000 Census, contained 5,131 prisoners from other parts of the state. This artificially decreased the population of the district by almost 10%. In effect, each group of 9 residents in district 53 had as much political power as 10 residents elsewhere in the state.</p> <p>Currently, four states (California, Delaware, Maryland, and New York) are taking a state-wide approach to adjust the Census' population totals to count incarcerated people at home, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts.</p> <p>However, going forward, this ad hoc approach is untenable. It makes far more sense for the Bureau to provide accurate redistricting data in the first place, rather than leaving it up to each state to have to adjust the Census' data to count incarcerated people in their home district.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Democracy relies on a population count that accurately represents communities, therefore I urge you to count incarcerated people as residents of their home address.</p>
c119	<p>The Civil Rights Committee of the New York City Bar Association submits this comment in response to the Census Bureau's Federal Register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). We urge that you change the proposed rule from counting incarcerated people at the facility in which they are housed and use their last permanent residence or "usual residence" as defined by the prisoner instead.</p> <p>The New York City Bar Association is among the nation's oldest and largest bar association. Through its more than 160 committees, the Association promotes reforms in the law and seeks to improve the administration of justice. The Civil Rights Committee is directly concerned with how communities of color may be impacted by current Census Residence Rules and Residence Situations, particularly where population counts based on Census Residence Rules are employed by elected and appointed officials in redistricting and apportionment schemes. We believe that ensuring equal representation is imperative to the health of the nation because it allows for a just democratic system and avoids any racially discriminatory effects of prison gerrymandering.</p> <p>American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the growth in the prison population requires the Census to update its methodology again.</p> <p>The need for change in the "usual residence" rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the number of incarcerated people has more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino¹ into just 5,393 Census blocks that are located far from the actual homes of incarcerated people.² In New York, in particular, after the 2000 Census, seven state senate districts met population requirements in state apportionment only because the Census counted detained people as if they were upstate residents.³ For example, each Senate district in New York should have had 306,072 residents after the 2000 Census. District 45, which claimed the populations of thirteen large prisons,</p>

however, had only 286,614 actual residents.⁴

Because of the distortions in political representation caused relying on the Census count of prisoners for the purposes of redistricting, New York State passed legislation to adjust the population data after the 2010 Census, to count incarcerated people at their home addresses in state legislative apportionment and redistricting.⁵ In *Little v. LATFOR*, the Supreme Court of the State of New York in Albany upheld this state law.⁶ The Court reasoned that the incarcerated people lacked any permanency in the locations of the facilities nor did they intend to remain there after their release.⁷ The court found that the Department of Corrections and Community Supervision decided when and where incarcerated people would be transferred, not the incarcerated people themselves.⁸ There were no records that indicated that the incarcerated people had ties to the communities where they were incarcerated, where they were “involuntarily and temporarily located.”⁹

Given the logic of the ruling in *Little*, it would be incongruous at best, and erroneous at worst, for the U.S. Census Bureau to count incarcerated people living in the communities where prison and criminal detention facilities are located, when incarcerated people are both *de jure* and *de facto* excluded from participating in the civic life of these communities. Detained people cannot purchase homes, become employed, or make a living while they are incarcerated.¹⁰

In 2010 there were 161 counties in 31 states where the incarcerated African-American population outnumbered the number of free African-Americans, and 20 counties in 10 states where the incarcerated Latino population outnumbered the number of free Latinos in those same counties.¹¹ In states as populous as New York, Pennsylvania, Illinois, Georgia, Florida and Texas, African-Americans and Latinos are more likely to be locked up in prisons in communities that remain largely white, non-diverse, and miles apart, both literally and figuratively, from communities in their home counties.¹²

African-Americans and Latinos in New York are overincarcerated. Even though African Americans comprise 16% and Latinos 18% of the general population in New York State, African-Americans comprise 53% and Latinos 22% of the incarcerated state population.¹³ New York is also more likely to incarcerate African-Americans and Latinos outside their communities of usual residence.¹⁴ In 2000, only 25% of New York’s state population lived upstate, yet 91% of detained people in state prisons were incarcerated there.¹⁵

When the Census Bureau counts detainees where they are temporarily incarcerated, it appears to contradict the Bureau’s goal of accuracy in enumeration, because the Bureau is recognizing a temporary, involuntary stay as a “usual residence”.¹⁶ In New York, the median time served in a facility in 2007 was seven months, a statistic that further reflects that the place of incarceration is not the permanent residence of the incarcerated individual.¹⁷ Counting detained people in their prior residence serves not only the ideals of equity and equal protection in democracy, but is also rooted in common sense -- people who are detained are transferred often and incarcerated temporarily.

Currently, California, Delaware, Maryland, and New York are taking a state-wide approach to adjust the Census’ population totals to count incarcerated people at their actual homes, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts. The U.S. Census should follow suit by changing its policy to achieve a more accurate population count that serves the goals of fairness, equity, and equality in enumeration.

Finally, when state legislatures used this flawed data to draw or apportion legislative districts, they impute African-American and Latino political clout and political participation to districts where African-American and Latino communities in actuality have little to no civic voice.¹⁸ These outcomes do not appear to comport with the Supreme Court’s Fourteenth Amendment equal protection jurisprudence “one person one vote” standard.¹⁹

Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because The Civil Rights Committee of the New York City Bar Association supports a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home address.

¹ As used in this Comment, the terms “Hispanic” or “Latino” are used interchangeably as defined by the U.S. Census Bureau and “refer to a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.” Karen R. Humes, Nicholas A. Jones & Roberto R. Ramirez, *Overview of Race and Hispanic Origin: 2010*, 2010 Census Briefs, 1, 2 (March, 2011), <http://www.census.gov/prod/cen2010/briefs/c2010br02.pdf>.

² See *2010 Group Quarters Shapefile*, Prison Policy Initiative, www.prisonersofthecensus.org/data/2010/groupquartersshapefile.html (last visited Jul. 13, 2015).

³ PETER WAGNER, ALEKS KAJSTURA, ELENA LAVARREDA, CHRISTIAN DE OCEJO & SHEILA VENNEL O'ROURKE, *50 STATE GUIDE: FIXING PRISON-BASED GERRYMANDERING AFTER THE 2010 CENSUS: NEW YORK*, PRISON POLICY INITIATIVE (MARCH 2010) (HEREINAFTER “50 STATE GUIDE”), [HTTP://WWW.PRISONERSOFTHECENSUS.ORG/50STATES/NY.HTML](http://www.prisonersofthecensus.org/50STATES/NY.HTML).

⁴ *Id.*

⁵ Wagner et al., *50 State Guide*, *supra* note 3.

⁶ *Little v. LATFOR*, No. 2310/2011 at 7 (N.Y. Sup. Ct., Albany Cnty. Dec. 1, 2011).

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ Peter Wagner, Eric Lotke & Andrew Beveridge, *Why the Census Bureau can and must start collecting the home addresses of incarcerated people*, Prison Policy Initiative Report submitted to the U.S. Census Bureau on February 10, 2006, in advance of the Bureau's report to the Appropriations Committee on using incarcerated people's homes of record in the Census, <http://www.prisonpolicy.org/homeaddresses/report.html>. (February 2006) (hereinafter “*Why the Census*”).

¹³ See Peter Wagner & Daniel Kopf, *The racial geography of mass incarceration*, Prison Policy Initiative (July 2015), <http://www.prisonpolicy.org/racialgeography/report.html>.

¹⁴ *Id.*

¹³ *50 State Incarceration Profiles: New York*, Prison Policy Initiative, <http://www.prisonpolicy.org/profiles/NY.html> (last visited Jul. 13, 2015).

¹⁴ Wagner & Kopf, *The racial geography of mass incarceration*, *supra* note 13.

¹⁵ Rose Heyer & Peter Wagner, *Too big to ignore: How counting people in prisons distorted Census 2000*, Prison Policy Initiative (April 2004), <http://www.prisonersofthecensus.org/toobig/size.html>.

¹⁶ Wagner et al., *Why the Census*, *supra* note 12.

¹⁷ New York State Department of Correctional Services, HUB SYSTEM: Profile of Inmate Population Under Custody on January 1, 2008, at 11, available at http://www.doccs.ny.gov/Research/Reports/2008/Hub_Report_2008.pdf.

¹⁸ Wagner & Kopf, *The racial geography of mass incarceration*, *supra* note 13.

¹⁹ See, e.g., *Gray v. Sanders*, 372 U.S. 368, 379 (1963) (“How then can one person be given twice or ten times the voting power of another person in a state-wide election merely because he lives in a rural area or because he lives in the smallest rural county? Once the geographical unit for which a representative is to be chosen is designated, all who participate in the election are to have an equal vote [. . .]. This is required by the Equal Protection Clause of the Fourteenth Amendment”); *Reynolds v. Sims*, 377 U.S. 533, 566 (1964).

c120

We at Common Cause appreciate the Census Bureau's invitation to submit these comments in response to its federal register notice regarding Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). To ensure that each district in this country fairly captures its residential population, for purposes of voting and fair representation, we urge the Bureau to count incarcerated people at their home addresses, rather than at the prison facilities in which they are temporarily located. Making this change to the residence rules is fundamental to ensuring that votes from prison districts do not hold more power than those from districts without prisons.

Founded in 1970, Common Cause is a national nonpartisan advocacy organization dedicated to empowering citizens in making their voices heard in the political process and holding government accountable to the people. Ensuring that every eligible citizen has an opportunity to cast a vote, free from discrimination and obstacles, is fundamental to a democracy that aims for and professes representation of all. So too is ensuring that each vote cast is weighed fairly, in keeping with the principle of "one-person, one-vote" announced by the Supreme Court in *Reynolds v. Sims*. To protect these principles, Common Cause, through its national office and 35 state organizations, advances a number of elections reforms throughout the country, including the elimination of prison-based gerrymandering.

The practice of prison-based gerrymandering is at odds with our principles of democracy. Prisons are typically located in rural - often, white-majority districts¹ - and in many instances the prisoners make up a large majority of the district's population. States engaging in prison-based gerrymandering - by adopting the Bureau's residence rules and allocating incarcerated persons to prison districts - necessarily inflate the votes of their rural, white voters at the expense of those cast by people of color living in non-prison, often urban, districts. The number of people affected by the practice, moreover, is not insignificant. In 2010, non-Hispanic Black men were incarcerated at a rate seven times higher than non-Hispanic White men²; it is these typically urban, minority-majority communities, to which incarcerated persons most often return upon completion of sentences, whose votes are made - by the practice of prison-based gerrymandering - to matter less than those of mostly white, rural voters.

When the Bureau first began counting Americans in 1790, the issue of where to count prisoners did not hold the same significance, or result in the same disparities, as it does today. As is well known, American demographics and living situations have changed dramatically over the past two centuries, and the Census has appropriately evolved in response to many such changes in order to provide an accurate picture of the nation. The prison population's explosion, particularly over the past two decades³, requires the Census Bureau to again update its methodology in order to create, as the Bureau strives for, a "fair and equitable apportionment" that reflects "changing living situation resulting from societal change."⁴

While waiting for the Bureau to make this needed change, a number of states have begun to take action. New York State, California, Delaware, and Maryland have all passed legislation to eliminate the state-wide practice of prison-based gerrymandering, and over 200 counties and municipalities individually adjust population data to avoid the practice when drawing their local government districts. A number of others states - including Oregon, Illinois, Rhode Island, and New Jersey - have also begun considering legislation that would ban the outdated practice of counting incarcerated persons in the prisons where they temporarily remain.

As evident by these state and local actions, states are not legally required to adopt the Census Bureau's definition of "residence" when allocating individuals for redistricting purposes. However, the reality is that they almost all do. After all, the Bureau provides the "leading source of quality data about the nation's people ...",⁵ and is best suited to lead the way - and thus guide remaining states - on this important issue. An ad hoc approach on how to apportion incarcerated persons is neither efficient nor fair; votes across districts, and across the country, should hold equal weight.⁶ States ascribing to the same definition of "residency" for incarcerated persons makes good sense, particularly since all incarcerated persons share the same characteristic of temporary removal from both greater society and their own homes. Indeed, they don't partake of the prison district's roads, parks, or schools; they are confined within that district only temporarily; and, in the vast majority of instances, they return to the districts in which they lived before incarceration. Changing the residence rule to reflect this reality would provide long-awaited guidance to states.

Thank you for this opportunity to comment on your Residence Rule and Residence Situations. We appreciate that the Bureau strives to

	<p>count all individuals in the right place in keeping with changes in society and population realities. Because Common Cause believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home address.</p> <p>¹ For example, 98% of New York's prison cells are located in state senate districts that are disproportionately White; in Connecticut, 75% of the state's prisons are in state house districts that are disproportionately White. See Peter Wagner, 98% of New York's Prison Cells Are in Disproportionately White Senate Districts, Prison Pol'y Initiative (Nov. 17, 2010), http://www.prisonersofthecensus.org/new/2005/01/17/white-senate-districts/; see also Ending Prison-Based Gerrymandering Would Aid in African-American and Latino Vote in Connecticut, Prison Pol'y Initiative (Nov. 17, 2010), http://www.prisonersofthecensus.org/factsheets/ct/CT_AfricanAmericans_Latinos.pdf</p> <p>² U.S. Dept. of Justice, "Prisoners in 2010," avail. at http://www.bjs.gov/content/pub/pdf/p10.pdf</p> <p>³ NAACP, Criminal Justice Factsheet, available at www.naacp.org/pages/criminal-justice-fact-sheet</p> <p>⁴ 2020 Decennial Census Residence Rule and Residence Situations, 80 Fed. Reg. 28950-28952 (May 20, 2015)</p> <p>⁵ See Census Bureau website at http://www.census.gov/about.html, last visited on July 9, 2015.</p> <p>⁶ Moreover, Massachusetts cannot easily make such changes to the ways in which it allocates prisoners for redistricting purposes until the Census Bureau issues a change in its residence rules, due to a state constitutional requirement that it follow the Bureau's rules. The Massachusetts legislature sent the Bureau a resolution in 2014 urging it to tabulate incarcerated persons at their home addresses. See The Massachusetts General Court Resolution "Urging the Census Bureau to Provide Redistricting Data that Counts Prisoners in a Manner Consistent with the Principles of 'One Person, One Vote'" (Adopted by the Senate on July 31, 2014 and the House of Representatives on August 14, 2014).</p>
c121	<p>I am a Professor of Law at _____, _____.¹ I teach constitutional law and the law of democracy — which means that I have the privilege of studying, analyzing, and teaching the Constitution from start to finish. From the first words of the Preamble to the final words of the 27th Amendment, our founding document is concerned with how We the People are represented: what we authorize our representatives to do, what we do not permit our representatives to do, and how we structure authority to allow our representatives to check and balance each other in the interest of ensuring that the republic serves us all.</p> <p>My examination of the Constitution and the law of democracy is not merely theoretical. I have had the privilege to practice in this arena as well, including work with institutions and organizations attempting to foster meaningful representation of the American public. My work has included the publication of studies and reports; the provision of testimony and informal assistance to federal and state legislative and administrative bodies and officials with responsibility for apportionment, districting, and the electoral process; and, when necessary, participation in litigation to compel jurisdictions to comply with their obligations under state and federal law.</p> <p>Much of my work, including my research and scholarship, confronts the structure of representation and the factual predicates of that structure. I have analyzed, in detail, the effect of different voting systems and districting plans that purport to further meaningful representation, the manner in which the Census count impacts that representation, and various jurisdictions' efforts to modify and adapt the Census default. I believe that it is no coincidence that an enumeration of the People is the very first substantive duty that our founding charter gives to the newly established collective government, for it is this enumeration that drives the representation at the core of our constitutional order.</p> <p>It is therefore a privilege to respond to your call for comment on the existing Census Residence Rule and Residence Situations. I am heartened that the Census Bureau is evaluating its rules governing where individuals should be counted, in order to determine whether they best effectuate the constitutional mandate or whether they might be improved for 2020.</p> <p>For most individuals, the Census Bureau's current default for determining residence has a sound representational logic. The vast majority of persons counted by the Census will be counted at a place they consider "home": the address that they would also consider their permanent legal, electoral, and social residence. For these people, the residence rules generate no meaningful controversy.</p>

Some people are away from “home” when the Census comes calling. Many (but not all)² of these individuals are counted at the place considered their “usual residence,” where they live and sleep most of the time. For most such individuals whose “usual residence” is not “home,” the current Census default is also entirely sensible. These individuals may be people who have been called away from home for military or other public service, job relocation, or education, and they are generally intertwined with the communities where they are laying their heads most often. They eat locally, shop locally, seek entertainment locally, and walk, bike, bus, and drive locally. While they are away from home, they use local services, utilities, and public assistance just as their new neighbors do. They interact regularly with the other members of the local community, and in so doing, they are subject to the same rules and regulations and ordinances that govern others in the community, and they enjoy many of the same benefits. All of the above interaction with the local community makes it logical for the Census to tally most of these sojourners in tandem with the local communities in which they are usually physically present, for purposes of representation of their interests by local, state, and federal government.

There is one sizable group of people, however, for whom the above description is not at all accurate. The 2.2 million individuals who are incarcerated in the United States³ were counted by the Census Bureau in 2010 at the locations where they had involuntarily been placed. The vast majority of them showed no intent at all to change their legal or electoral residence. (Indeed, consistent with the common principle that a temporary absence does not amount to a change in legal or electoral residence, 28 states have explicitly provided that incarceration does not itself provoke such a change.⁴ And in most if not all of the other states, the implication of their more general rule would lead to the same conclusion.)

Individuals who are transferred to a correctional facility often have little in common with more usual “usual residents” of the area. Incarcerated individuals are often from a demographic and socioeconomic background quite distinct from those who live in the neighborhood. And in many areas, the racial or ethnic disparity is quite stark. For example, a recent study found that there are now more than 450 counties where the proportion of African-Americans in the incarcerated population is larger than the proportion of African-Americans in the surrounding county — and more than 200 counties where the proportion of African-Americans in the incarcerated population is more than ten times larger than the proportion of African-Americans in the surrounding county.⁵ As another researcher concluded, “In 173 counties nationwide, more than 50% of the purported African-American ‘residents’ are behind bars.”⁶

Moreover, unlike all of the other sojourners above who are away from “home” on Census Day, incarcerated individuals do not meaningfully interact — indeed, are not permitted to meaningfully interact — with the communities to which the Census Bureau assigned them in 2010. Individuals incarcerated in Village Township do not eat at the restaurants of Village Township, shop in Village Township stores, attend Village Township movie theaters, or use Village Township roads, sidewalks, or public transportation. While incarcerated, they are not affected by Village Township county or municipal codes and cannot attend Village Township public meetings. They may be confined in a location physically adjacent to Village Township residents, but most Village Township residents will not likely consider them “neighbors.”

Because of both the lack of similarity and the lack of interaction, it would be quite surprising to find that incarcerated individuals feel represented — either directly or indirectly — by the officials representing the physical locations to which they were assigned by the Census Bureau in 2010. At least some officials representing communities with sizable correctional facilities keenly understand the disconnect. When an Iowa city councilman was asked whether he considered the incarcerated individuals comprising 96% of the population in his district to be his constituents, he said, simply, “not really.”⁷ And in 2002, a New York state legislator representing a district housing thousands of incarcerated individuals said that given a choice between the district’s cows and the district’s prisoners, he would “take his chances” with the cows, because “[t]hey would be more likely to vote for me.”⁸

The practice of tallying incarcerated individuals at the facilities where they are confined is wrong. It creates both informational and

democratic harm, and should be corrected in the 2020 Census.

The practice creates informational harm by painting a misleading picture of community demographics. A researcher or policymaker or planner seeking to better understand an area will look to the valuable information compiled by the Census for a rich portrait of the local residents. For those areas that include a correctional facility, the snapshot will include those who are incarcerated, when it is likely that neither the people inside nor those outside the facility regard the prison population as a true part of the community.

The practice creates democratic harm as well, in several ways. The Constitution requires that local, state, and federal districts be drawn such that district populations are approximately equal.⁹ When the population tally counts incarcerated individuals where they are confined, districts are built on the backs of “ghost constituents,” with no meaningful ability to influence their purported representatives, directly or indirectly.¹⁰ These individuals and the communities where they are truly from, accordingly, lose representation; in certain circumstances, the dilution may give rise to a claim under the Voting Rights Act.¹¹ As the National Academy of Sciences recognized, “The prison population includes disproportionate numbers of racial minorities and persons from large urban areas; that this population is counted in the largely rural areas where prisons tend to be located, and that they are included in redistricting calculations despite being barred from voting in most cases, raises legitimate concerns of equity and fairness in the census.”¹²

On the other side of the coin, the non-incarcerated residents of districts with prisons garner unduly disproportionate influence. For example, in Lake County, Tennessee, after the most recent census, 87% of the population of one County Commissioner district was allotted to a local correctional facility. As a result, the 344 non-incarcerated residents of the district receive the same voice on county policy as the approximately 2500 or 2600 individuals in each of Lake’s two other districts.¹³

Even when correctional facilities do not distort representation, they may well distort the candidate pool. Many jurisdictions allow voters throughout the jurisdiction to vote on candidates, but require the candidates to be from geographic districts of approximately equal size. If such districts are drawn to include large correctional facilities, there may be districts with no individuals eligible to run as candidates.¹⁴

Sometimes, these factors align. In Anamosa, Iowa, after the 2000 Census, 1300 of the 1358 individuals allotted to City Council ward 2 were incarcerated there, giving the 58 other residents of that ward strikingly disproportionate political power.¹⁵ And after subtracting individuals ineligible to run for city council, that also left the ward strikingly few potential officeholders. In the 2005 municipal election, ward 2 had no candidates on the ballot, and only three voters, total.¹⁶ The winner, selected with two write-in votes, did not even vote for himself.¹⁷

Though Anamosa’s situation is an extreme, the practice of counting incarcerated individuals where they are confined does democratic damage everywhere. This explains why more than 200 known counties, cities, and school boards in at least 30 states have attempted to correct or otherwise compensate for the 2010 Census tally, usually adjusting local population totals to account for populations in correctional facilities when drawing their own districts.¹⁸ At least six states require certain local governments to adjust existing population tallies in order to more equitably account for incarcerated individuals when drawing local districts;¹⁹ additional states expressly permit or encourage the practice.²⁰ And four states, representing 65 million people, have already decided that in 2020, they will endeavor to correct the Census Bureau’s count of incarcerated populations in drawing state and federal legislative districts, if the Census Bureau does not correct its own misallocation.²¹ Legislation has been proposed in others.

The Census Bureau’s practice of counting incarcerated individuals where they are confined was based on principles developed well before the Supreme Court cases establishing the equal representation principle, and well before the comparatively recent explosion in the incarcerated population.²² States and localities are attempting to compensate for the inadequate allocation as best they can. It is time for

the Census Bureau to assist them.

It would be in keeping with the bulk of the Census Bureau’s representational logic to tally incarcerated individuals in the communities to which they are most closely connected on Census Day. That location is not where they are involuntarily confined, but rather where their relatives and friends and support systems are often located, where their children may live, where they are most likely to return when they are released from incarceration,²³ and where their inclusion will illuminate and not distort the snapshot of the true local community. While in individual cases these indicators may point to different addresses, the best available proxy — and a far superior proxy than the deeply flawed alternative of the carceral facility — is the individual’s last known residence before incarceration. This is the most recent place that an incarcerated individual is from, and the last place that they chose to make their “usual” residence. A decision to tally incarcerated individuals at their last known address would come far closer to aligning such individuals with their legal and social residence than the Census Bureau’s past practice. And it would further the opportunity for these individuals to be adequately represented, better fulfilling the rationale for the Census’s core function.

Counting incarcerated individuals at their last known residence before incarceration, rather than where they are involuntarily confined, is a feasible solution as well as a just one. There are several options for collecting this information. Incarcerated individuals may be surveyed by interview and questionnaire, just as the vast majority of other individuals are surveyed.²⁴ In the alternative, or to supplement coverage gaps, the Census Bureau could collect most last prior addresses from the existing administrative records of correctional, parole and probation, or judicial offices.²⁵

I encourage the Census Bureau to consider revising its Residence Rule and Residence Situations, to tally incarcerated individuals at their last known address before incarceration. Correcting the outmoded alternative practice in place during the last Census is a pragmatic means to align the residence rules in a way that furthers just representation of individuals in the communities to which they are truly attached on Census Day.

I thank the Census Bureau for this opportunity to comment. If you have any further questions, please feel free to contact me at your convenience. I can best be reached by email, at _____, or by phone at _____.

¹ My comments represent my personal views and are not necessarily those of _____ or any other organization with which I am now or have previously been affiliated.

² For example, children at a boarding school have been counted at the home of their parents. 2020 Decennial Census Residence Rule and Residence Situations, 80 Fed. Reg. 28,950, 28,951 (May 20, 2015).

³ Lauren E. Glaze & Danielle Kaebler, Bureau of Justice Statistics, U.S. Dep’t of Justice, *Correctional Populations in the United States, 2013* (Dec. 2014), <http://www.bjs.gov/content/pub/pdf/cpus13.pdf>.

⁴ See ALASKA STAT. § 15.05.020; ARIZ. CONST. art. VII, § 3; CAL. CONST. art. II, § 4; COLO. CONST. art. VII, § 4; CONN. GEN. STAT. ANN. §§ 9-14, 9-40a(a); HAW. REV. STAT. § 11-13(5); IDAHO CODE ANN. § 34-405; KAN. STAT. ANN. § 11-205(f); ME. REV. STAT. ANN. tit. 21-A, § 112(14); MICH. COMP. L. § 168.11(2); MINN. CONST. art. VII, § 2; MISS. CODE ANN. § 47-1-63; MO. CONST. art. VIII, § 6; MONT. CODE ANN. § 13-1-112(2); N.C. GEN. STAT. ANN. § 153A-257(a)(2); NEV. CONST. art. II, § 2; N.H. REV. STAT. § 654:2; N.M. STAT. ANN. § 1-1-7(D); N.Y. CONST. art. II, § 4; OR. CONST. art. II, § 4; 25 PA. STAT. § 2813; R.I. GEN. LAWS § 17-1-3.1(a)(2); TENN. CODE ANN. § 2-2-122(7); TEX. ELEC. CODE ANN. § 1.105(e); UTAH CODE ANN. § 20A-2-105(3)(c)(iii); VT. STAT. ANN. tit. 17, § 2122(a); WASH. CONST. art. VI, § 4; WYO. STAT. ANN. § 22-1-102(a)(xxx)(B)(III). See generally Dale E. Ho, *Captive Constituents: Prison-Based Gerrymandering and the Current Redistricting Cycle*, 22 STAN. L. & POL’Y REV. 355, 366-67 (2011) (reviewing residency standards).

⁵ Peter Wagner & Daniel Kopf, *The Racial Geography of Mass Incarceration*, July 2015, <http://www.prisonpolicy.org/racialgeography/report.html>. The same study found more than 220 counties where the proportion of Latinos in the incarcerated population is larger than the proportion of Latinos in the surrounding county — and more than 40 counties where the proportion of Latinos in the incarcerated population is more than ten times larger than the proportion of Latinos in the surrounding county. *Id.*

⁶ Ho, *supra* note 4, at 361. This report considered Census data from 2000, but the number has not changed considerably in ten years. In 2010, there were 161 counties where more than half of the African-American individuals tallied by the Census were incarcerated. See Wagner & Kopf, *supra* note 5.

⁷ Sam Roberts, *Census Bureau's Counting of Prisoners Benefits Some Rural Voting Districts*, N.Y. TIMES, Oct. 24, 2008, <http://www.nytimes.com/2008/10/24/us/politics/24census.html>.

⁸ Jonathan Tilove, *Minority Prison Inmates Skew Local Populations as States Redistrict*, Newhouse News Service, 2002, <https://web.archive.org/web/20021009134128/http://www.newhousenews.com/archive/storyla031202.html>.

⁹ *Tennant v. Jefferson County Comm'n*, 133 S. Ct. 3 (2012); *Reynolds v. Sims*, 377 U.S. 533 (1964); *Avery v. Midland County, Tex.*, 390 U.S. 474 (1968).

¹⁰ All states other than Maine and Vermont bar individuals who have been convicted of a felony from voting while incarcerated. The Sentencing Project, Fact Sheet: Felony Disenfranchisement Laws, April 2014, http://sentencingproject.org/doc/publications/fd_Felony%20Disenfranchisement%20Laws%20in%20the%20US.pdf. And in most cases, family members or loved ones who are eligible to vote and might advocate for the interests of these individuals live far away, in other legislative districts.

¹¹ *Cf.* *Hayden v. Pataki*, 449 F.3d 305, 328-29 (2d Cir. 2006) (en banc) (remanding to determine whether the issue was properly raised by the plaintiff); *id.* at 337 (Straub, J., concurring in part and concurring in the judgment). In the trial court, plaintiffs clarified that they had not stated such a claim, and the case was dismissed. Memorandum and Order, *Hayden v. Pataki*, No. 00-8586, 2006 WL 2242760 (S.D.N.Y. Aug. 4, 2006).

¹² NAT'L RESEARCH COUNCIL OF THE NAT'L ACADEMIES, ONCE, ONLY ONCE, AND IN THE RIGHT PLACE: RESIDENCE RULES IN THE DECENNIAL CENSUS 8 (Daniel L. Cork & Paul R. Voss, eds. 2006).

¹³ See Lake County 2014 County Commission Districts and Current Voting Precincts, <http://comptroller.tn.gov/repository/LG/DistrictMaps/Lake/County%20Commission/2014%20Countywide.pdf>; U.S. Census Bureau, 2010 Census Summary File 1, tbl. P1 (Total Population), http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC_10_SF1_P1&prodType=table; *id.* PCT20 (Group Quarters Population by Group Quarters Type), http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC_10_SF1_PCT20&prodType=table; Tenn. Dep't of Correction Planning & Research Section, Tennessee Bed Space and Operating Capacities Report at 1, July 2010, <http://www.tn.gov/assets/entities/correction/attachments/BedJuly2010.pdf>. The county's districts were similarly skewed after the last Census. See Peter Wagner & JooHye DellaRocco, Phantom Constituents in Tennessee's Boards of County Commissioners, Prison Policy Initiative, Feb. 21, 2008, <http://www.prisonersofthecensus.org/tncounties/report.html>.

¹⁴ See, e.g., Tilove, *supra* note 8 ("In eastern Colorado's Crowley County, commissioners are elected by the countywide electorate but must run from and live in a particular district. Counting inmates there, according to commissioner T.E. 'Tobe' Allumbaugh, would have created a 'prison' district without possibility of representation. 'It's a little bit of a joke,' Allumbaugh said.").

¹⁵ See Roberts, *supra* note 7.

¹⁶ Jones County Auditor, Official Canvass of the Votes Cast at the November 8, 2005 Anamosa City Election Held in Jones County, Iowa, at 1, <http://www.jonescountyiowa.org/Documents/Aud.CanvassCity05.pdf>; Maureen Turner, *The Prison Town Advantage*, VALLEY ADVOCATE, Oct. 8, 2009, <http://www.valleyadvocate.com/2009/10/08/the-prison-town-advantage/>.

¹⁷ See Turner, *supra* note 16.

¹⁸ There are is no official compilation of local governments that have taken such measures. The most comprehensive such list appears to be kept by the Prison Policy Initiative, at <http://www.prisonersofthecensus.org/local/> (last updated July 3, 2015).

¹⁹ COLO. REV. STAT. §§ 22-31-109(2)(c), 30-10-306.7(5)(a) (Colorado); MD. CODE ANN., LOCAL GOV'T § 1-1307 (Maryland); MICH. COMP. L. §§ 46.404(g), 117.27a(5) (Michigan); Op. No. 2002-0060, 2002 WL 321998 (Miss. A.G. 2002) (Mississippi); N.J. STAT. § 18A:13-8 (New Jersey); N.Y. MUN. HOME RULE LAW § 10(1)(ii)(a)(13)(c) (New York); *cf.* IND. CODE § 3-10-6-1(b) (providing specific rules for elections in cities of a certain population size, excluding incarcerated individuals).

²⁰ VA. CODE ANN. § 24.2-304.1(C).

²¹ See CAL. ELEC. CODE § 21003; 29 DEL. CODE § 804A; MD. CODE ANN., ELECTION LAW § 8-704; MD. CODE ANN., STATE GOV'T, § 2-2A-01; N.Y. LEGIS. LAW § 83-m(13)(b).

²² See NAT'L RESEARCH COUNCIL OF THE NAT'L ACADEMIES, *supra* note 12, at 28-30, 38, 86-87.

²³ See Kirsten D. Levingston & Christopher Muller, Brennan Ctr. for Justice at NYU School of Law, "Home" in 2010: A Report on the Feasibility of Enumerating People in Prison at Their Home Addresses in the Next Census 9 (Feb. 15, 2006), <https://www.brennancenter.org/publication/home-2010>.

	<p>²⁴ See, e.g., Michelle Inderbitzin & Anna Chan, <i>Ethnographic Study of the Group Quarters Population in the 2010 Census: Prisons for Adults and Juvenile Correctional Facilities</i> 25-26, Mar. 7, 2013, https://www.census.gov/srd/papers/pdf/ssm2013-08.pdf (describing a visit to a maximum security prison to collect Census data, and finding the surveyed random sample of the incarcerated population to be “[o]n the whole, . . . extremely polite and cooperative”); <i>Even Prisoners Counted in Census</i>, DESERET NEWS, May 22, 2000, http://www.deseretnews.com/article/761559/Even-prisoners-counted-in-census.html?pg=all; Annette Kondo, <i>At Prison, Census Reactions of All Stripes</i>, L.A. TIMES, Apr. 20, 2000, http://articles.latimes.com/2000/apr/20/local/me-21623; Tina A. Brown, <i>Asking ‘Stupid’ Questions</i>, HARTFORD COURANT, Apr. 4, 2000, http://articles.courant.com/2000-04-04/news/0004040079_1_seven-inmates-prison-population-census-bureau (“In Connecticut, when the correction department locked down all of its prisons Monday morning, it expected to have counted 17,511 inmates within a four-hour period.”).</p> <p>²⁵ See Levingston & Muller, <i>supra</i> note 23, at 11-12.</p>
c122	<p>I am writing in response to your May 20 Federal Register notice regarding the Residence Rule and Residence Situations.</p> <p>As a native Texan, I am unnerved by the Census Bureau’s policy to count incarcerated people as residents of prison facilities, not of their hometowns. That practice, especially when the data are intended for redistricting, clearly runs counter to the Texas Election Code, which specifies:</p> <p style="padding-left: 40px;">In this code, “residence” means domicile, that is, one’s home and fixed place of habitation to which one intends to return after any temporary absence... A person who is an inmate in a penal institution... does not, while an inmate, acquire residence at the place where the institution is located.¹</p> <p>The Census Bureau’s Residence Rule ignores Texas law, so community leaders have had to take this problem into their own hands. In an investigation of jurisdictions with large prison populations, researchers found that almost all (86%) Texas communities rejected prison gerrymandering by excluding prisoners from population counts, even if the vote dilution impacts of including prisoners were miniscule.² In some parts of the state, the effects of using uncorrected Census Bureau data would have been far from innocuous. For example, in some jurisdictions – including districts in Childress, Walker, Anderson, Karnes, and Mitchell Counties – prisoners would have made up at least 50% of the population if unaltered Census Bureau data were used, giving voters living near prison facilities undue political influence.³</p> <p>Fortunately, local government leaders in Texas have overwhelmingly rejected the Census Bureau’s interpretation of the Residence Rule in order to avoid prison gerrymandering and uphold the “one person, one vote” principle. After Census 2010, Hale County Judge Bill Coleman told the <i>Austin American-Statesman</i> that excluding prisoners from precinct populations for redistricting purposes was simply common sense:</p> <p style="padding-left: 40px;">If your altruistic goal is to try to make each precinct have an equal number of at least potential voters, and a significant chunk of you population is not allowed to vote, aren’t you sort of undermining the whole purpose of this thing?⁴</p> <p>Still, Texas officials have not made the commitment to end prison gerrymandering at the state level as other states, such as California, Delaware, Maryland, and New York, have done. Despite multiple efforts by government leaders and grassroots organizations, Texas continues to rely on your data, which count incarcerated people as residents of prisons. As a result, African Americans and Latinos who disproportionately fill Texas correctional facilities are being used to pad white votes in prison-hosting state districts while also diluting minority votes elsewhere. For example, after Census 2000, 45,000 Texas prisoners were moved from competitive, marginal districts to more conservative districts as a political strategy. Such an egregious example of prison gerrymandering is both troubling and, more importantly, avoidable.</p>

	<p>Today, Texas stands among the nation’s leaders in many measures of criminal justice severity. My state incarcerates its residents at a higher rate than entire countries like Cuba, Rwanda, and El Salvador.⁵ Where prisoners are counted has a profound impact on the integrity of American democracy. I therefore urge you to count incarcerated people at their home addresses, rather than at the particular facilities where they happen to be located on Census Day.</p> <p>¹ Texas State Legislature, <i>Texas Election Code</i>, Sec. 1.015(e). Available at: http://www.statutes.legis.state.tx.us/Docs/SDocs/ELECTIONCODE.pdf.</p> <p>² Peter Wagner, “Avoiding Prison Gerrymandering is Often a Matter of Common Sense: Texas and Louisiana Research Update,” <i>Prison Policy Initiative</i>, 2013. Available at: http://www.prisonersofthecensus.org/news/2013/12/06/scatterplot/.</p> <p>³ Elena Laverreda, “Not Everything is Bigger in Texas: How Rural Texas Counties with Large Prisons Maintain Fairness in Democracy,” <i>Prison Policy Initiative</i>, 2010. Available at: http://www.prisonersofthecensus.org/news/2010/06/02/notbigger/.</p> <p>⁴ Jonathan Tilove, “Prisoners Can’t Vote, But They Can Subtly Shift Political Power,” <i>Austin American-Statesman</i>, November 30, 2013.</p> <p>⁵ Peter Wagner, Leah Sakala, and Josh Begley, “States of Incarceration: The Global Context,” <i>Prison Policy Initiative</i>, 2014. Available at: http://www.prisonpolicy.org/global/.</p>
c123	<p>I am writing in response to your May 20 Federal Register notice regarding the Residence Rule and Residence Situations.</p> <p>As a social justice and voting rights activist from West Virginia, I am horrified by the racial injustice that is caused by counting incarcerated people as residents of prisons instead of their hometowns. According to the Census, Blacks in West Virginia make up only 3% of the total population, but they represent 28% of the incarcerated population. Like most states, West Virginia has a significant racial disparity in its incarceration rates, but there is another problem: the state host many federal prisons that are disproportionately filled with incarcerated African-Americans from other places, in particular, the District of Columbia.</p> <p>The Residence Rule harms the democratic process because incarcerated people in West Virginia (and 47 other states) cannot vote. As a result, the Census Bureau’s practice of counting incarcerated people in prisons, instead of their hometowns, essentially keeps the Three-Fifths Compromise alive. Before the Civil War, people who lived among slaves had greater relative voting power than others because Black slaves were used to determine political representation but were barred from the polls. Today, people who live near prisons experience the exact same increase in voting power to the detriment of other West Virginian citizens as well as the citizens of the incarcerated individuals hometown.</p> <p>West Virginia was founded on the principles of freedom and equality – the state formed when its citizens refused to join Virginia in its secession from the Union and its fight to maintain slavery. But even in 2015, West Virginians are not free and equal because incarcerated people of color are included in population counts but excluded on Election Day.</p> <p>The Residence Rule violates the “one person, one vote” principle by padding white votes and diluting Black votes, contrary to the Voters Rights Act of 1964. I urge you to fix this violation of democracy by counting all incarcerated people at their homes, rather than at the prison facilities where they happen to be on Census Day.</p>
c124	<p>We write in response to your May 20 federal register notice regarding the Residence Rule and Residence Situations.</p> <p>As editors of premier academic and legal journals, and leaders of premier law school student associations, we take an interest in the accuracy of the methodology that the U.S. Census Bureau uses to count the U.S. population. Our academic and legal journal authors often rely on population data provided by the U.S. Census Bureau in their articles. In turn, members of the legal profession depend on our articles to support advocacy efforts, lawmaking, rulemaking, legal strategy, and jurisprudence.</p> <p>It has come to our attention that the US Census Bureau’s 2010 Residence Rule and Residence Situations skews the accuracy of the U.S. Census data by counting incarcerated people at the facilities that they are confined in, rather than at the their home addresses, on</p>

	<p>Census day. By designating a prison cell as a residence in the 2010 Census, the Census Bureau located a population that is disproportionately male, urban, and Black or Latino into Census blocks far from their homes. This inflates the apparent size of the towns of people who live near prisons. When this data is used in submissions to our academic and legal journal publications, the reliability of important scholarship published by the law schools with which we are associated is risked.</p> <p>More worrisome, when used for redistricting, the 2010 U.S. Census deprives political power from those communities where a disproportionate amount of people are arrested and imprisoned away from home. Members of our organizations identify with those communities.</p> <p>Because we believe in a population count that accurately represents our nation, we urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>Thank you for your consideration.</p>
c125	<p>The undersigned national civil rights, voting rights, labor and criminal justice organizations submit this comment in response to the Census Bureau’s federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). We urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the growth in the prison population requires the Census to update its methodology again.</p> <p>The need for change in the “usual residence” rule, as it relates to incarcerated persons, has been growing over the last few decades. When the “usual residence” rule was first implemented in the first Census, incarcerated persons comprised a vanishingly tiny portion of the country and had no significant impact on representational fairness. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the nation’s incarcerated population has more than quadrupled to over two million people. The manner in which this population is counted now has huge implications for the accuracy of the Census.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. In Illinois, for example, 60% of incarcerated people have their home residences in Cook County (Chicago), yet the Bureau counted 99% of them as if they resided outside Cook County.</p> <p>When this data is used for redistricting, prisons artificially inflate the political power of the areas where the prisons are located. In New York after the 2000 Census, for example, seven state senate districts only met population requirements because the Census counted incarcerated people as if they were upstate residents. For this reason, New York State passed legislation to adjust the population data after the 2010 Census to count incarcerated people at home for redistricting purposes.</p> <p>New York State is not the only jurisdiction taking action to correct the inaccuracies resulting from tabulating incarcerated persons at the prison location. Three other states (California, Delaware, and Maryland) are taking a similar state-wide approach, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts.</p> <p>But this ad hoc approach is neither efficient nor universally implementable. The states and localities that have decided to avoid the</p>

	<p>distortions of the current Census rule must create their own population data, because the Census Bureau is not yet publishing the data on home residence that is needed to count this population accurately. Other states find themselves unable to change their practices even when they would like to. The Massachusetts legislature, for example, concluded that the state constitution required it to follow Census Bureau data despite the inaccuracies with respect to incarcerated persons; so it sent the Bureau a resolution in 2014 urging the Bureau to tabulate incarcerated persons at their home addresses. <i>See</i> The Massachusetts General Court Resolution “Urging the Census Bureau to Provide Redistricting Data that Counts Prisoners in a Manner Consistent with the Principles of ‘One Person, One Vote’” (Adopted by the Senate on July 31, 2014 and the House of Representatives on August 14, 2014).</p> <p>For all these reasons, the Census Bureau must modify its residence rule with respect to incarcerated persons so that all states and localities will have the opportunity to accurately reflect the incarcerated population in their redistricting plans.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because we believe in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home address.</p>
c126	<p>I write in response to the U.S. Census Bureau’s Federal Register Notice on the Residence Rule and Residence Situations [80 FR 28950 (May 20, 2015)]. I strongly urge your office to count incarcerated people at their last home address instead of the current practice of using the correctional facility they happen to be in when the Census is counted.</p> <p>As a former State Representative for the City of Hartford, a Vice President of the Greater Hartford Labor Council and as a Board Member of the Capital Community College Foundation*, I know the impact that undercounting city residents has for our Capital City. Most correctional institutions in our state are located in very rural, very Caucasian towns. Most Connecticut inmates come from our state’s three biggest cities – Bridgeport, Hartford and New Haven. They are disproportionately African American and Latino. By using the current method of counting these inmates, the political power of our economically-depressed cities is significantly reduced.</p> <p>This is especially egregious because Connecticut has never fully addressed the inequities that stem from mal-apportionment of State Representative and State Senate districts from World War II to the mid-1960s. In 1964, ninety-six towns with an aggregate population of 303,086 (12 percent of the people) elected a majority of the State Representatives(148 of the 294). It was the most mal-apportioned lower house in the country. However, by the time the CT General Assembly had enacted a redistricting plan which withstood legal scrutiny, the population and power had shifted from the cities to the suburbs.</p> <p>Thank you for the opportunity to comment on this important issue affecting the people of Connecticut.</p> <p>*Capital Community College (CCC) has the 2nd highest percentage of minority students among 252 New England Schools and Colleges. Over 60% of the student body is African-American or Latino/a and CCC is the ONLY College in CT designated as a Hispanic Servicing Institution.</p>
c127	<p>I submit this comment in response to the Census Bureau’s federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). I urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>My name is _____, and I am a former _____, Louisiana school board member. As someone who represented what was considered a minority district that housed a prison, I am troubled by the way that incarcerated people are counted as residents of wherever they are imprisoned. As a minority myself, an American Indian, I believe that it is invaluable to our democracy that redistricting allows for equal representation of all people, and prison gerrymandering stands in the way of this.</p>

Because of the way incarcerated people are counted as residents of the particular facility that they happen to be imprisoned at on Census day, the people who live near _____ in _____ have greater political clout than those who do not for the sole reason that they happen to live near the prison. I represented the district that housed _____, and it was clear that the approximately 900 people imprisoned in this district were being counted in the wrong place.

Another detriment of having the prison population count in my district is that it has limited my school enrollment to approximately 292 students. This school is a Pre-Kindergarten thru 12th grade school. The students in my district are not offered music past elementary, art, band nor football to list a few of the programs that are offered at ALL of the other Jr. High and High Schools in the _____ School System. Bond Taxes are forced on my district thru millage, knowing that we are starting 900 votes short on any election therefore we do not have the votes to vote it down even if every voter turned out. Over \$8 million was forced upon my district last bond election with very little being spent at our school. The bond tax previous to the \$8 million one was for \$22 million and out of that only \$1,200.00 was spent in my school. Starting out any election 900 votes short we do not have any choice in these millage taxes being levied against my district. We are rural and my district is where the millage tax comes from. This is **TAXATION WITHOUT REPRESENTATION!!!** 900 NO votes would cancel any tax in this parish. Not only is this affecting our voice it is affecting millions of dollars also.

In 2012, our school board evaluated two redistricting plans including one that would have excluded the _____ population. I had hoped that my parish school board would follow the police juries in Avoyelles, Caldwell, Claiborne, Concordia, East Carroll, East Feliciana, Evangeline, Grant, La Salle, Richland, West Carroll, West Feliciana, and Winn Parishes as well as the council-president in Iberville and adjust your Census counts of the prison population to avoid prison gerrymandering.

Unfortunately, my colleagues on the school board voted for the plan that gives the district I represented unearned influence. I believe that many of my colleagues voted for the redistricting plan that used the prison population not out of any belief that people incarcerated there had anything to do with the administration of education in the school board but out of fear that by voting against prison gerrymandering they would somehow complicate negotiations to save the prison from closure. I saw that decision as unrelated; and the fact that the prison did close and is now in the process of reopening in a new and smaller form does illustrate that not only are the people who were confined in my district rather transient, so is the actual facility.

To repeat in another way, my school board engaged in prison gerrymandering to give extra representation to the one district that didn't want the extra representation; and it did so using a prison population that it knew was expected to cease to exist in our Parish.

For these reasons I urge you to count incarcerated people at their home addresses so that Parishes and School Boards like mine won't have to go through this unnecessary debate in the future. Thank you for this opportunity to comment.

c128

I represent Rhode Island House district _____ and submit this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). I urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.

As an elected representative, I am keenly aware that democracy, at its core, rests on equal representation. And equal representation, in turn, rests on an accurate count of the nation's population.

As you know, American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the

growth in the prison population requires the Census to update its methodology again.

The need for change in the "usual residence" rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the number of incarcerated people has more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census.

By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. In Rhode Island I was the first member of the Rhode Island House of Representatives to introduce legislation on February 27, 2010, H 7833, the Residence of Those in Government Custody Act, to correct this problem for purposes of drawing new legislative districts.

Currently, four states (California, Delaware, Maryland, and New York) are taking a state-wide approach to adjust the Census' population totals to count incarcerated people at home, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts.

But this ad hoc approach is neither efficient nor universality implementable. It makes far more sense for the Bureau to provide accurate redistricting data in the first place, rather than leaving it up to each state to have to adjust the Census' data to count incarcerated people in their home district.

Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because democracy relies on a population count that accurately represents communities, I urge you to count incarcerated people as residents of their home address.

c129

The American Civil Liberties Union submits this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, specifically Section 13, "People in Correctional Facilities with Adults."¹ We urge you to count incarcerated people at their home address, rather than at the particular facility at which they happen to be located on Census day.

For nearly 100 years, the ACLU has been our nation's guardian of liberty, working in courts, legislatures, and communities to defend and preserve the individual rights and liberties that the Constitution and the laws of the United States guarantee everyone in this country. The ACLU takes up the toughest civil liberties cases and issues to defend all people from government abuse and overreach. With more than a million members, activists, and supporters, the ACLU is a nationwide organization that fights in all 50 states, Puerto Rico, and Washington, D.C., for the principle that every individual's rights must be protected equally under the law, regardless of race, religion, gender, sexual orientation, disability, or national origin.

I. Background on the Need to Change the Current Residence Rule to Count Incarcerated People at their Home Address

Under Article I, Section 2 of the Constitution, every inhabitant of the United States must be counted in the Census – but they must be counted in the correct place.²

American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. In the 1980s, the incarcerated population in the U.S. totaled less than half a million, but since then, the nation's incarcerated population has more than quadrupled to over

two million people.³ The significant growth in the nation's prison population over the past 30 years requires the Census Bureau to update its methodology again, by changing the "usual residence" rule.

By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a normally city-based population that is disproportionately male and African-American or Latino into just 5,393 Census blocks that are located far from their actual homes and often in rural areas. In Illinois, for example, 60 percent of incarcerated people have their home residences in Cook County (Chicago), yet the Bureau counted 99 percent of them as if they resided outside Cook County.⁴

When this data is used for redistricting, the political power of the areas where the prisons are located is artificially inflated. In New York after the 2000 Census, for example, seven state Senate districts only met population requirements because the Census counted incarcerated people as if they were residents of upstate New York, though most of the state's prisoners are residents of New York City.⁵ For this reason, New York State passed legislation to adjust the population data after the 2010 Census to count incarcerated people at home for state redistricting purposes.⁶

New York State is not the only jurisdiction taking action. Three other states, California, Delaware, and Maryland, are taking a similar state-wide approach, and more than 200 counties and municipalities each individually adjust population data to avoid prison-based gerrymandering when drawing their local government districts.⁷

But this ad hoc approach is neither efficient nor universally implementable. The Massachusetts legislature, for example, concluded that the state constitution did not allow it to pass similar legislation, so it sent the Bureau a resolution in 2014 urging the Bureau to tabulate incarcerated persons at their home addresses.⁸ A universal process by the Census Bureau is necessary to provide clarity and accuracy in representing our nation's communities nationwide.

II. ACLU Efforts Nationwide to Ensure Fair and Accurate Representation

Until Bureau practice changes, the ACLU will work across the country to mitigate problems created by the current Census approach.

1. Maryland

In Maryland, the ACLU partnered with the NAACP and other community leaders to raise concerns about local redistricting practices in Somerset County, an area with a long, sad history of racial segregation and violence. Although the county is 42 percent African-American and includes the historically black University of Maryland, Eastern Shore, no black person had ever been elected or appointed to a top county office as of 2009. Prison-based gerrymandering was part of the reason. When the county had drawn new voting districts in the 1980s, to resolve a federal challenge to minority vote dilution, it included in its remedial "majority-minority" district the Eastern Correctional Institution (ECI), where prisoners were counted as residents for redistricting. The inmate population was large in comparison with the rest of the district, and mostly made up of people of color, while the rest of the district was mostly white. Because the inmate population was ineligible to vote in Somerset elections, the white, non-inmate population was overrepresented, and the district's voting power was distorted in comparison to the county's other districts.

As a result, the district did not function as a true remedial district and consistently elected white officials over the course of two decades. The ACLU and NAACP advocated for exclusion of the prison population from Somerset's local redistricting database, and in 2010, the Maryland legislature responded by passing a law mandating that prisoners throughout Maryland be counted at their place of last residence, rather than their place of incarceration. Shortly thereafter, Somerset County's first black County

Commissioner, Rev. Craig Mathies, was elected.⁹

2. New York

In New York, the ACLU defended the constitutionality of New York State’s practice of counting incarcerated individuals at home. In 2010, the New York legislature passed a law, “Part XX,” that requires that incarcerated persons be allocated to their home communities for redistricting and reapportionment of state and local legislative districts. The NYCLU, Brennan Center for Justice, the Center for Law and Social Justice, Dēmos, LatinoJustice PRLDEF, NAACP Legal Defense and Educational Fund, and Prison Policy Initiative, representing 15 rural and urban voters as intervenors, defended the law against a legal challenge brought by a state senator whose district included 12,000 incarcerated persons and was therefore significantly impacted by the law. In December 2011, a New York court ruled that the law was constitutional, and Part XX remains in effect today.

3. South Carolina

In South Carolina, the ACLU was victorious in a recent reapportionment case for the Jasper County School District that would have improperly counted the correctional population when creating school board districts.¹⁰ Jasper County’s population in 2010 was 24,777. Located in that county is the Ridgeland Correctional Institution, with an average population of 1,163. The prisoners sent to that institution come from all counties in the state. The school board has 9 single-member districts. If the population calculations included the prisoners, each district would have needed to have 2,753 people, but one of the districts would have comprised over 40 percent prisoner population – unable to vote, resulting in unequal representation for voters in that district. Following a remedial order, all parties to the lawsuit agreed to remove the prison population from the calculations.¹¹

4. Florida

In Florida, the ACLU and the Florida Justice Institute filed a lawsuit challenging the redistricting plan that the Jefferson County Board of Commissioners and the Jefferson County School Board adopted in 2013, as a violation of the plaintiffs’ Fourteenth Amendment right to equal representation under the “one person, one vote” principle of the Equal Protection Clause. The complaint, filed in March 2015, alleges that the defendants’ decision to include the inmate population at Jefferson Correctional Institution (“JCI”) unlawfully inflates the political strength of non-inmate residents in the district that houses the prison (District 3) and dilutes the voting strength of those living in all of the other districts in the county. The incarcerated population at JCI constitutes 43.2 percent of the voting-age population in the district. The ACLU argues that, the total population deviation when the prison is excluded at 42.63%, is far outside the constitutional limits on population deviation under the “one person, one vote” principle.¹² As a result, every four non-inmate residents of District 3 have as much political influence in county and school affairs as seven residents in any other district. Moreover, Jefferson County’s decision to count non-resident inmates also underrepresents minority voting strength in the community as a whole. When the prison is excluded from the total population count, the Black voting age population decreases from 47.62 percent to 32.73 percent, and the Hispanic voting age population decreases from 7.35 percent to 2.80 percent.

5. Rhode Island

In Rhode Island, the ACLU has been working to address this issue through litigation and legislation. The problem is especially acute in Rhode Island because of the state’s small size and the fact that its entire prison system is concentrated in one city, Cranston. Because everybody incarcerated at the prison is counted as a resident of Cranston, but barred from voting there, three voters in the City Council district where the prison is located have as much voting power as four voters in every other City Council district. In

February 2014, the ACLU filed a lawsuit challenging this malapportionment, and in September 2014, a federal judge denied the City's motion to dismiss the case.¹³ In addition, for the last three years, the ACLU has promoted legislation that would require all prisoners to be counted, for redistricting purposes only, at their last known address. In 2015 and 2014, the bill passed the Rhode Island Senate with bipartisan support, only to die in the House.¹⁴

6. New Hampshire

In New Hampshire, the ACLU has been advocating against the prison-based gerrymandering engaged in by the City of Concord. The Concord population according to the 2010 census is 42,695. Concord consists of 10 voting wards, each of which elects a representative to the local City Council. The goal behind the city's 2010 Redistricting Plan, which is currently in effect, is to have each of the City's 10 wards contain approximately 4,270 residents with a target deviation of +/-5%. However, Concord's 2010 Redistricting Plan, relying on Census Bureau data, specifically includes in the population of Ward 3 the Concord State Prison for Men, which houses 1,531 inmates.¹⁵ Thus, these inmates represent 34 percent of Concord's Ward 3's 4,459 population, though its prisoners are unable to vote.¹⁶ As a result of the inclusion of the prison population in Ward 3, the voting power of Ward 3's approximately 3,000 voting residents—who represent 66 percent of Ward 3's population—is strengthened, while the voting power of residents of the other nine wards is significantly diluted. The voting population size of Ward 3 represents an approximately 30 percent deviation from the target 4,270-per-ward population size.

7. Connecticut

In Connecticut, the ACLU continues to work towards a districting system that accurately reflects "one person one vote" principle by counting prisoners in their home communities rather than the location where they are incarcerated. The majority of Connecticut's prison beds are located in five small towns. Connecticut currently counts the people incarcerated in those prisons as residents of the towns in which the prisons are located. As a result, seven legislative districts are counted as having more than 1,000 additional residents than have actually chosen to live in those districts willingly. Earlier this year, the ACLU supported Senate Bill 980, which had a public hearing before the state Senate's judiciary committee. If passed, Senate Bill 980 would have made clear that the population of a prison should not be included as part of the population of the legislative district in which the prison is located.

8. New Jersey

In New Jersey, the ACLU has supported legislation to end prison-based gerrymandering in the last several legislative sessions. New Jersey's demographic realities illustrate how the current system unfairly inflates or deflates the voting power of certain communities. Camden County, a largely urban county, has only six percent of the state's population, but its residents account for 12 percent of the state's prisoners. Essex County, too, sends a disproportionate number of people to prison: It is home to less than nine percent of New Jerseyans, but its residents account for 16 percent of its incarcerated population. On the other hand, rural Cumberland County is home to three large prisons, which account for almost five percent of the total county population. This means the voting power of residents living in Cumberland County is artificially inflated by a significant amount as a result of the prisoners being counted there, and voting power in Camden and Essex counties is likewise diminished.

9. Wisconsin

In Wisconsin, a state prison population of fewer than 5,000 persons in 1978 has, by 2014, grown to more than 22,000 persons. Wisconsin has, by far, the highest rate of incarceration of African-American men in the United States, with about 1 in 8 working-age

African-American men behind bars. Wisconsin similarly leads the nation in incarceration of Native American men, with about 1 in 13 working-age Native American men behind bars. These individuals are routinely incarcerated far from their home communities, they cannot and do not vote while incarcerated, and their interests are seldom represented in the communities in which they are counted for census purposes. Meanwhile, the communities from which these prisoners come, to which they are likely to return, and with whose other residents they share policy interests are deprived of political representation. The disparity is so stark that, planning maps for the Milwaukee metropolitan area make special note of the fact that minority population concentrations outside the central city are due to incarcerated populations.¹⁷

Additionally, at the federal level, the ACLU has met with Director John H. Thompson to call on the Census Bureau to change the “usual residence” rule as it relates to people in prison.

Thank you for this opportunity to comment on the Residence Rule and Residence Situations. Because the ACLU believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home address. Please contact _____, Legislative Policy Analyst, at _____, if we can provide further information.

¹ 2020 Decennial Census Residence Rule and Residence Situations, 80 Fed. Reg. 28, 950 (May 20, 2015).

² ACLU, EVERYTHING YOU ALWAYS WANTED TO KNOW ABOUT REDISTRICTING BUT WERE AFRAID TO ASK 10, 28 (2010), available at <https://www.aclu.org/report/everything-you-always-wanted-know-about-redistricting-were-afraid-ask>.

³ SENTENCING PROJECT, FACT SHEET: TRENDS IN U.S. CORRECTIONS 2 (2015), available at http://sentencingproject.org/doc/publications/inc_Trends_in_Corrections_Fact_sheet.pdf.

⁴ PRISON POLICY INITIATIVE, PRISON-BASED GERRYMANDERING IN ILLINOIS (2010), available at http://www.prisonersofthecensus.org/factsheets/il/IL_state.pdf.

⁵ Peter Wagner, *Breaking the Census: Redistricting in an Era of Mass Incarceration*, 1243, 1241-1260 (2012), available at <http://open.wmitchell.edu/cgi/viewcontent.cgi?article=1471&context=wmlr>; PRISON POLICY INITIATIVE, NEW YORK’S CENSUS ADJUSTMENT ACT (2010), available at http://www.prisonersofthecensus.org/factsheets/ny/NY_census_adjustment_act.pdf.

⁶ N.Y. CORRECT. LAW § 71(8) (2012).

⁷ Prison Policy Initiative, Prison Gerrymandering Project: Solutions, <http://www.prisonersofthecensus.org/solutions.html> (last visited July 20, 2015).

⁸ See The Massachusetts General Court Resolution “Urging the Census Bureau to Provide Redistricting Data that Counts Prisoners in a Manner Consistent with the Principles of ‘One Person, One Vote’” (Adopted by the Senate on July 31, 2014, and the House of Representatives on August 14, 2014).

⁹ For additional information on the successful reform achieved in Maryland, please see comments jointly submitted by the ACLU of Maryland and the Maryland State Conference of the NAACP.

¹⁰ *Fraser v. Jasper County*, South Carolina, School District, No. 9:14-2578 (D. S.C. Apr. 30, 2015).

¹¹ *Id.* (Remedial Order), available at http://www.aclusouthcarolina.org/files/9314/3162/5709/2015-04-30_JasperCtyRemedialOrder.pdf.

¹² *Calvin et al. v. Jefferson County* (N.D. Fla. filed Mar. 9, 2015) (Complaint), available at <https://aclufl.org/resources/calvin-et-al-v-jefferson-county-prison-gerrymandering-complaint/>.

¹³ *Davidson v. City of Cranston*, 42 F.Supp. 3d 325 (D. R.I. 2014).

¹⁴ Press Release, Prison Policy Initiative, Rhode Island Senate votes to end prison gerrymandering (Mar. 5, 2015), available at <http://www.prisonersofthecensus.org/news/2015/03/05/risenate-s0239/>.

¹⁵ However, under New Hampshire law, inmates are not deemed to be domiciled in Ward 3 by virtue of their imprisonment. See N.H. RSA 654:2-a.

¹⁶ See N.H. RSA 607-A:2, I(a).

¹⁷ For additional information on the impact in Wisconsin, please see comments submitted by the ACLU of Wisconsin, the Benedict Center, the Justice Initiatives Institute (JII), the NAACP-Milwaukee Branch, and WISDOM.

c130

I am writing in response to your federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015) to urge you to count incarcerated people in their home districts.

My name is _____ and I live and work in Essex County in northern New York, near the border with Canada. I live in the state's largest and most sparsely populated Senate district. My Senate district has more people incarcerated in state prisons than any other district in the state.

I would like to focus my comment on documenting that my county does not consider incarcerated people to be residents of our county. Prior to the passage of Part XX in 2010 that ended prison gerrymandering in New York State, counties like mine had a choice as to whether to use the prison populations in county redistricting. My county, and all neighboring counties that also contained prisons, all choose not to count the prison populations when drawing county districts or designing weighted voting systems.

My county, Essex, justified its decision in its local law with a lengthy discussion on the practical and legal grounds of why inmates are not residents of the county. While I understand that more than 200 counties across the United States do this as well, I have read that my county was the one of the few to put its reasoning in writing and then vote it in to law.

For that reason, I would like to share with you part of Essex Local Law No 144 of 2012:

“Persons incarcerated in the state and federal correctional institutions have been convicted of criminal acts constituting felonies and their presence in Essex County is considered involuntary. These incarcerated persons: are not residents of the County since they are here involuntarily and can be relocated by the Commissioner of Corrections at the latter’s discretion; are not entitled to vote and thus are not voters in Essex County; and receive no services from the County - except when they commit new criminal acts and are brought before County Court, or when they are entitled to assignment of counsel as indigents in connection with parole hearings under New York Executive Law Article 12-B. Persons incarcerated in state and federal correctional institutions live in a separate environment, do not participate in the life of Essex County, and do not affect the social and economic character of the towns in which they are located.

“The inclusion of these federal and state correctional facility inmates unfairly dilutes the votes or voting weight of persons residing in other towns within Essex County.”

Very similar language was also used in Essex County Local Law No. 1 of 2003. Recognizing that you may not have ready access to my small county’s local laws, I have attached the 2003 and 2012 laws to this letter.

I urge you to follow the lead of Essex County New York and count incarcerated people as residents of their pre-incarceration addresses and not as residents of my county.

Thank you for your consideration.

c131

As a coalition of groups involved with the 2011 Massachusetts Redistricting process, we submit this comment in response to the Census Bureau’s federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). We urge you to change the way the Census Bureau counts incarcerated people. Rather than counting them at the particular facility that they happen to be located at on Census day, we urge you to count them at their home addresses.

The need for change in the “usual residence” rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the number of incarcerated people has more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census and for the voting strength of certain communities.

By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks, which are located far from the actual homes of incarcerated people. Just two examples of specific impacts in Massachusetts include:

- Without using prison populations as padding, 5 Massachusetts House districts drawn after the 2000 Census did not meet constitutional population requirements. For example, while each House district in Massachusetts should have had 39,682 residents, the 3rd Suffolk District, which claimed the population of the Suffolk County House of Corrections, had only 36,428 actual residents. This means that the actual population of the district was 8.2% smaller than the average district in the state.
- When the city of Gardner last updated their districts in 2001, they were faced with the prospect of giving the residents on the eastern side of the city, near the state prison, extra influence over city affairs, or rejecting the flawed Census counts. The City Council ruled to reject the Census counts because doing otherwise would have given each group of 8 people who live near the prison as much say over city affairs as every group of 10 residents elsewhere in the city.

In 2011, advocates like us asked the Massachusetts Joint Committee on Redistricting to reverse the “usual residence” policy like Gardner did and to count persons at their legal address prior to incarceration, rather than in prison for state districts. The Committee agreed with us that the way prisoners are counted does a disservice to the state and should be changed. However, the Committee and legal counsel thought that the Massachusetts state Constitution, which dictates that the federal census be the basis for determining the representative, senatorial, and councillor districts, would prevent Massachusetts from unilaterally changing this rule for these districts. Instead, the Committee recommended to the General Court that it adopt a resolution calling for such a change to send to Congress and to the Census Bureau. Such a resolution was passed on August 14, 2014 (attached).

In fact, currently four states (California, Delaware, Maryland, and New York) are taking a state-wide approach to adjust the Census’ population totals to count incarcerated people at home, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts. But as we have seen, this is not an approach that is unilaterally applicable.

For these reasons, we urge you to change Census Bureau policy to count incarcerated people as residents of their home address, rather than at the place of their incarceration. Thank you for this opportunity to comment on the Residence Rule and Residence Situations.

***The Massachusetts General Court
Resolutions***

**URGING THE CENSUS BUREAU TO PROVIDE REDISTRICTING DATA THAT COUNTS PRISONERS
IN A MANNER CONSISTENT WITH THE PRINCIPLES OF “ONE PERSON, ONE VOTE”.**

WHEREAS, OBTAINING AN ACCURATE COUNT OF THE POPULATION IS SO VITAL TO REPRESENTATIVE DEMOCRACY THAT THE FRAMERS OF THE UNITED STATES CONSTITUTION ADDRESSED THE ISSUE OF THE CENSUS AND APPORTIONMENT IN THE OPENING PARAGRAPHS OF THE CONSTITUTION; AND

WHEREAS, THE MASSACHUSETTS CONSTITUTION REQUIRES THAT FEDERAL CENSUS DATA BE THE BASIS FOR STATE REDISTRICTING; AND

WHEREAS, THE CENSUS BUREAU CURRENTLY HAS A POLICY OF COUNTING INCARCERATED PEOPLE AT THE ADDRESS OF THE CORRECTIONAL INSTITUTION, EVEN THOUGH FOR OTHER LEGAL PURPOSES THEIR HOME ADDRESS REMAINS THEIR LEGAL RESIDENCE; AND

WHEREAS, THIS CENSUS DATA RESULTS IN DISTORTIONS OF THE ONE-PERSON, ONE-VOTE PRINCIPLE IN DRAWING ELECTORAL DISTRICTS IN MASSACHUSETTS, DILUTING THE REPRESENTATION OF THE MAJORITY OF DISTRICTS THAT DO NOT CONTAIN PRISONS; AND

WHEREAS, THE SIMPLEST SOLUTION TO THE CONFLICT BETWEEN FEDERAL CONSTITUTIONAL REQUIREMENTS OF "ONE PERSON, ONE VOTE" AND MASSACHUSETTS CONSTITUTIONAL REQUIREMENTS OF USING THE FEDERAL CENSUS IS FOR THE CENSUS BUREAU TO PUBLISH REDISTRICTING DATA BASED ON THE LOCATION OF AN INCARCERATED PERSON'S RESIDENCE, NOT PRISON LOCATION; AND

WHEREAS, THE CENSUS BUREAU HAS ALREADY RECOGNIZED THE DEMAND FROM STATES AND COUNTIES FOR DATA THAT BETTER REFLECTS THEIR ACTUAL POPULATIONS, AND HAS AGREED TO RELEASE DATA ON PRISON POPULATIONS TO STATES IN TIME FOR REDISTRICTING, ENABLING SOME STATES TO INDIVIDUALLY ADJUST THE POPULATION DATA USED FOR REDISTRICTING; AND

WHEREAS, PUBLIC LAW 94-171 REQUIRES THE CENSUS BUREAU TO WORK WITH STATES TO PROVIDE GEOGRAPHICALLY RELEVANT DATA AND THE CENSUS BUREAU HAS BEEN RESPONSIVE TO STATE'S DATA NEEDS FOR THE PAST 3 DECADES; NOW THEREFORE BE IT

RESOLVED, THAT THE MASSACHUSETTS GENERAL COURT HEREBY URGES THE CENSUS BUREAU, IN THE NEXT CENSUS AND THEREAFTER, TO PROVIDE STATES WITH REDISTRICTING DATA THAT COUNTS INCARCERATED PERSONS AT THEIR RESIDENTIAL ADDRESS, RATHER THAN THE ADDRESS OF THE CORRECTIONAL INSTITUTION WHERE THEY ARE TEMPORARILY LOCATED; AND BE IT FURTHER

RESOLVED, THAT A COPY OF THESE RESOLUTIONS BE TRANSMITTED FORTHWITH BY THE CLERK OF THE SENATE TO THE DIRECTOR OF THE CENSUS BUREAU.

c132

I hope you are doing well. I am writing on behalf of the Prison Justice League (P JL) to comment in response to the Census Bureau's federal register notice regarding Residence Rule and Residence Situations 80 FR 28950 (May 20, 2015). P JL is a civil rights organization that works to improve conditions in Texas prisons through litigation, advocacy, and by empowering our members. As a civil and human rights organization that works with incarcerated people every day, I urge you to change the current system of counting prisoners where they are incarcerated instead of at their home address.

The prison system in Texas is one of the largest in the nation, incarcerating over 150,000 individuals across the state. Incarceration rates disproportionately impact communities of color, particularly African Americans. Although African Americans represent only 12% of the total state population, they represent over 30% of the prison population.

Furthermore, most incarcerated people reside in urban counties before being sent to prison but most prisons are in rural parts of the state. In general, rural areas of the state are white and conservative, while urban areas are more diverse and less conservative. Counting prisoners in prison for census purposes distorts the population data that is so critical to accurately apportion congressional districts.

Thank you for the opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the correct place. The Prison Justice League believes in a population count that accurately represents communities, and we urge you to count incarcerated people as residents of their home address.

000130

The National LGBTQ Task Force is pleased to have the opportunity to comment on the Residence Rule and Residence Situations for the 2020 Decennial Census. We applaud the efforts of the Census Bureau to count people experiencing homelessness. This comment seeks to highlight the unique ways that lesbian, gay, bisexual, transgender, and queer (LGBTQ) people often experience homelessness. Changing pieces of language and adding examples that more clearly reflect the reality of LGBTQ people experiencing homelessness will help ensure an accurate population count and therefore adequate resource distribution.

Of course, the utility of having an accurate count of LGBTQ people experiencing homelessness will increase significantly if sexual orientation and gender identity measures are included on the census survey, something that the National LGBTQ Task Force continues to recommend. Even without such measures, however, the LGBTQ community will benefit from being fully counted.

Research Findings

1. LGBTQ People Are Disproportionately Likely to Experience Homelessness

LGBTQ youth, including those questioning their sexual orientation or gender identity, face high levels of rejection from their homes, pervasive discrimination in service-providing institutions, and significant lack of access to the safety net systems designed to house and protect vulnerable youth. One study indicates that fully one half of LGBTQ youth experience negative reactions from family members when they come out as LGBT, while one quarter are ejected from their homes.ⁱ While the foster care and adoption system acts as a safety net to protect those youth who are rejected from their families or have no family to start with, reactions to expression of sexual orientation or gender identity in this system may be even worse. Youth often run away from foster and group homes because they are mistreated or harassed,ⁱⁱ and a full one-third of all youth who come out as LGBT while in the care of social services experience a violent sexual assault.ⁱⁱⁱ In addition, studies show that 12%-36% of youth report being homeless at least once after being emancipated from foster care.^{iv}

In addition, LGBTQ youth are disproportionately represented in child welfare and juvenile justice systems,^v face increased victimization at school,^{vi} and lack protections against employment and housing discrimination in a majority of states.^{vii} Housing discrimination has a particularly stark impact on transgender and gender non-conforming people – 19% of respondents in one study were denied a home or apartment and 11% were evicted because of their gender identity or expression.^{viii}

Because of this multi-faceted discrimination and the resultant inability to find refuge, LGBTQ youth face homelessness at alarming rates. Difficulties in counting youth experiencing homelessness render an exact number difficult to report, but estimates range from just over 500,000 to 1.7 million.^{ix} Of this population, an estimated 20% to 40% of homeless youth in the United States identify as – or believe they may be – LGBTQ,^x compared to an estimated 5% to 7% of youth in the general population.^{xi} Thus, LGBTQ youth are disproportionately represented in the homeless population.

LGBTQ adults also face pervasive discrimination, particularly in the employment and housing contexts. They also face disproportionate rates of poverty. Same-sex couples are more likely to live in poverty, especially if they are African American and/or have children.^{xii} And transgender people are four times more likely to live in extreme poverty (making less than \$10,000 a year) than cisgender people.^{xiii} In addition, 19% of transgender and gender non-conforming people reported being homeless at some point in their lives, and 1.7% were homeless at the time of the study, compared to an estimated 0.9% of the general population.^{xiv} Thus, while we lack statistics on the adult homeless population, there is strong reason to believe that LGBTQ adults are also more likely to experience homelessness.

2. LGBTQ People Experience Homelessness in Unique Ways

In addition, LGBTQ people tend to experience homelessness in unique ways. Research indicates that shelters can be difficult places for LGBTQ youth and adults. LGBTQ youth may worry that shelters will contact the local child and family services office and attempt to reconnect them with their families, many of which are openly hostile about the youth's sexual orientation or gender identity. In addition, a 2010 survey of transgender people found that 29% had been turned away from a shelter because of their transgender status, 42% were forced to stay in facilities designated for the wrong gender, and others encountered a hostile environment.^{xv} These circumstances make transgender people less likely to seek shelter altogether, or to do so intermittently.

LGBTQ youth and adults use various strategies to secure shelter. Many LGBTQ youth end up “couch-surfing,” staying with friends or acquaintances for short or indefinite periods of time.^{xvi} And a recent study of LGBTQ youth experiencing homelessness found that they are 7 times more likely to trade sex for shelter than their heterosexual counterparts.^{xvii} Similarly, 25% of transgender and gender non-conforming people report staying with friends or family, and 12% report having sex with people in order to sleep in a bed.^{xviii}

Recommendations to the Residence Rule and Residence Situations

The tendency of LGBTQ people to experience homelessness in unique ways yields two important considerations for counting them through the Census. First, because LGBTQ people are less likely to use group shelters, they are less likely to be counted there on Census Day. Second, to the extent that they couch-surf or exchange sex for a place to sleep, LGBTQ people may be less likely to be regarded as “residents” by those with whom they are staying. Census respondents might assume that such people have another residence where they spend more time or might otherwise dismiss counting them as part of their residence. This is especially likely if they are staying somewhere else on Census Day. LGBTQ youth might be particularly likely to be overlooked and uncounted because Census respondents might mistakenly assume that the youth are being counted by their parents or guardians.

This pattern is compounded by the fact that LGBTQ people are disproportionately likely to experience homelessness, amounting to a strong probability that many LGBTQ people are left uncounted. Because the Decennial Census has implications for apportioning seats in the House of Representatives, it is important that we count the U.S. population accurately and in full. And because resources are distributed based on these figures, an accurate count is necessary to get crucial support to members of the LGBTQ community who are experiencing homelessness.

The following recommendations attempt to address the concern that this group is being overlooked and uncounted in Census reporting.

- 1. Residence Rule – Add a fourth bullet point that better captures LGBTQ people experiencing homelessness and provides clearer guidance for Census respondents**
 - a. Explanation: The rule itself addresses people in facilities and shelters, but it does not expressly address other people experiencing homelessness. In addition, it does not provide clear guidance to Census respondents -- it does not address how to determine whether someone has a usual residence, nor does it address situations where people have a place where they live and sleep more than anywhere else but not “most of the time.” The suggested language remedies this issue.
 - b. Recommendation: Add the following as a fourth bullet point:

- *Someone who stays at different places periodically or intermittently might not have a usual residence. Ask them whether they have a place where they live and sleep more than anywhere else. If the answer is 'Yes,' they should be counted at that place. If the answer is 'No,' they should be counted where they are on Census Day."*

2. Residence Situations

- **Situation 2. Visitors on Census Day – Eliminate this category and, instead, include its examples in Situation 1**
 - a. Explanation: “Visitor” is a vague term that could include people who are living and sleeping at a place temporarily. Because LGBTQ people experiencing homelessness are more likely to couch-surf or stay with people temporarily, they might be understood as “visitors” by Census respondents with whom they are staying. The examples provided in Situation 2, however, involve people who have other residences, and they instruct the Census respondent not to count them. This type of situation is better reflected in Situation 1: “People Away From Their Usual Residence on Census Day.” By getting rid of Situation 2 and instead incorporating its examples into Situation 1, Census respondents will be less likely to mistakenly consider a temporary guest who *should* be counted as part of their residence as a “visitor” who should not be counted as part of their residence.
 - b. Recommendation: Eliminate the heading for Situation 2, re-label its two examples to “b” and “c” respectively, and include them in Situation 1.
- **Situation 3. People Who Live in More Than One Place – Change the heading to “People With Multiple Residences”**
 - a. Explanation: The current heading of this section – “People Who Live in More Than One Place” – could apply to LGBTQ people experiencing homelessness. But the following section (Situation 4) handles such people better, providing clearer examples and guidance. To avoid the possibility that a Census respondent might be confused as to how to categorize a person staying with them or might not read Section 4, the heading of Section 3 should more adequately distinguish people who travel for work or travel seasonally between residences from people who are experiencing homelessness and ensure that all people get counted.
 - b. Recommendation: Change this heading to “*People With Multiple Residences.*”
- **Situation 4. People Without a Usual Residence**
 - a. Explanation: This section gives examples of where people experiencing homelessness might be counted (i.e. soup kitchens, mobile food vans, and outdoor locations). These examples, however, represent a more typical conception of homelessness, which often does not align with LGBTQ people experiencing homelessness. Because Census respondents might overlook youth or adults who are staying with them for short or indefinite periods, including this as another example would be illustrative and provide clearer guidance.
 - b. Recommendation: Add the following:

(d) Couch-surfers, youth experiencing homelessness, or other people staying in your residence for short or

indefinite periods of time—Counted at the residence where they live and sleep most of the time. If there is no residence where they live and sleep most of the time, they are counted where they live and sleep more than anywhere else. If time is equally divided, or if a usual residence cannot be determined, they are counted at the residence where they are staying on Wednesday, April 1, 2020 (Census Day).

- **Situation 8: Nonrelatives of the Householder**

a. Explanation: This section gives examples of people who might be staying in one’s home and guidance about how to count them. Because the heading of this section references the “householder,” it might be more likely to be read by the head of a household than other sections with less descriptive headings (e.g. People Without a Usual Residence). In addition, because it reference “nonrelatives,” this section is particularly relevant to householders who have provided space for someone experiencing homelessness. Thus, including a more specific example of people experiencing homelessness would be illustrative and provide clearer guidance to Census respondents.

b. Recommendation: Add the following:

(f) *Couch-surfers, youth experiencing homelessness, or other people staying in your residence for short or indefinite periods of time*—Counted at the residence where they live and sleep most of the time. If there is no residence where they live and sleep most of the time, they are counted where they live and sleep more than anywhere else. If time is equally divided, or if a usual residence cannot be determined, they are counted at the residence where they are staying on Wednesday, April 1, 2020 (Census Day).”

The National LGBTQ Task Force urges the U.S. Census Bureau to integrate these recommendations into the Residence Rule and Residency Situations for the 2020 Decennial Census. Thank you for taking the time to consider them. If you have any questions regarding these comments, please contact _____, Senior Policy Counsel, at _____ or _____.

ⁱ National LGBTQ Task Force, *Lesbian, Gay, Bisexual and Transgender Youth: An Epidemic of Homelessness* (2006), at 2 (citing Thompson, S. J., Safyer, A. W. & Pollio, D. E., *Differences and Predictors of Family Reunification Among Subgroups of Runaway Youths Using Shelter Services*, 25 SOCIAL WORK RESEARCH (2001)).

ⁱⁱ Lambda Legal, *National Best Practices for Serving LGBT Homeless Youth*, at 1 (Apr. 2009).

ⁱⁱⁱ National LGBTQ Task Force, *supra* note 1.

^{iv} National Alliance to End Homelessness, *LGBTQ Homeless Youth Fact Sheet*, <http://www.safeschoolscoalition.org/LGBTQhomelessFactSheetbyNAEH.pdf> (last visited July 20, 2015).

^v Office of Juvenile Justice & Delinquency Prevention, *LGBTQ Youths in the Juvenile Justice System*, <http://www.ojjdp.gov/mpg/litreviews/LGBTQYouthsInTheJuvenileJusticeSystem.pdf> (last visited July 20, 2015).

^{vi} GLSEN, THE 2011 NATIONAL SCHOOL CLIMATE SURVEY (2012), *available at* <http://www.glsen.org/press/2011-national-school-climate-survey>.

^{vii} *State Nondiscrimination Laws in the U.S.*, National LGBTQ Task Force, http://www.thetaskforce.org/static_html/downloads/reports/issue_maps/non_discrimination_5_14_color_new.pdf (last updated May 21, 2014).

^{viii} NAT’L LGBTQ TASK FORCE & NAT’L CTR. FOR TRANSGENDER EQUALITY, INJUSTICE AT EVERY TURN (2012), at 4, *available at* http://www.thetaskforce.org/static_html/downloads/reports/reports/ntds_full.pdf [*hereinafter* INJUSTICE AT EVERY TURN].

^{ix} NAT’L ALLIANCE TO END HOMELESSNESS, THE STATE OF HOMELESSNESS IN AMERICA 2012, at 13 (Jan. 2012).

^x *LGBTQ Youth Homelessness in Focus*, U.S. INTERAGENCY COUNCIL ON HOMELESSNESS, http://usich.gov/issue/lgbt_youth/lgbt_youth_homelessness_in_focus/ (last visited July 20, 2015).

^{xi} See Jerome Hunt & Aisha C. Moodie-Mills, *The Unfair Criminalization of Gay and Transgender Youth*, CTR. FOR AM. PROGRESS (June 20,

	<p>2012), https://www.americanprogress.org/issues/lgbt/report/2012/06/29/11730/the-unfair-criminalization-of-gay-and-transgender-youth/.</p> <p>^{xii} Badgett, M.V. Lee, Durso, Laura E., & Schneebaum, Alyssa, <i>New Patterns of Poverty in the Lesbian, Gay, and Bisexual Community</i>, THE WILLIAMS INSTITUTE (June 2013), http://williamsinstitute.law.ucla.edu/research/census-lgbt-demographics-studies/lgbt-poverty-update-june-2013/.</p> <p>^{xiii} INJUSTICE AT EVERY TURN, <i>supra</i> note 8, at 2.</p> <p>^{xiv} ID. at 106.</p> <p>^{xv} ID.</p> <p>^{xvi} <i>LGBTQ Youth Homelessness in Focus</i>, <i>supra</i> note 10.</p> <p>^{xvii} Meredith Dank et al., <i>Surviving the Streets of New York: Experiences of LGBTQ Youth, YMSM, and YSWW Engaged in Survival Sex</i> (Feb. 15, 2015), http://www.urban.org/research/publication/surviving-streets-new-york-experiences-lgbtq-youth-ymsm-and-ywsw-engaged-survival-sex/view/full_report.</p> <p>^{xviii} INJUSTICE AT EVERY TURN, <i>supra</i> note 8, at 106.</p>
c134	<p>The League of Women Voters of Delaware urges the Bureau to correct its long-standing practice of counting incarcerated individuals as residents of the prison cells where they happen to be located on Census day rather than their home communities. This practice has created the problem known as "prison-based gerrymandering."</p> <p>We believe that the Census Bureau's current method of assigning residence to incarcerated people is bad for democracy and inconsistent with the principle of "one person, one vote" as enunciated by the Supreme Court in <i>Reynolds v. Sims</i> (1964).</p> <p>When legislative districts are drawn based on the census numbers, incarcerated individuals become "ghost constituents" of districts that contain prisons. In Delaware, 25 percent of male prisoners and 40% of female prisoners are on pre-trial detention. They and others who are not felons are eligible to vote by absentee ballot at their home address, not at the location of the prison. Even felons, who are eligible to vote after completing their sentences, typically spend less than the ten years between Census counts and will be back in their home districts before the next Census.</p> <p>Allocating prisoners to legislative districts where the prison is located artificially inflates the political power of the districts where the prisons are located, while their home communities—often predominantly poor and minority—suffer the inverse effects of losing representation and voting strength for a decade. This issue has been exacerbated as our prison population has soared in the last few decades and, as a result, has increased the inequity of the current residence rule.</p> <p>In 2010, Delaware became the second state to pass a law to end prison-based gerrymandering. House Bill 384 (145th General Assembly) required the Department of Correction to collect the home addresses of incarcerated people and required the legislature to draw its districts on the basis of Census Bureau data corrected to count incarcerated people at their home addresses.</p> <p>The bill was sponsored by Rep. Helene Keeley and Senator Margaret Rose Henry with several additional sponsors and cosponsors. Although Senator Henry represents a legislative district that contains a prison currently counted as part of her district, she and other legislators recognized that the issue of fairness and accuracy in statewide redistricting should take precedence over individual concerns.</p> <p>Unfortunately, even though our Department of Correction provided home addresses, Delaware was unable to arrange for the geocoding of this address data in time for the legislature to meet its deadline for finalizing their redistricting proposals. As a result, our legislature reluctantly postponed full implementation until 2021.</p> <p>A change in the Bureau's residence rule for incarcerated people would allow Delaware - and other states - to eliminate the inequities of prison-based gerrymandering and meet the state's needs in a much more streamlined and cost-effective manner.</p>

We urge the Bureau to correct its residence rule for prisoners for the 2020 Census!

c135

The City of Havelock respectfully responds to your request for comments on the 2010 Census Residence Rule. As the proud host city to Marine Corps Air Station Cherry Point, Havelock seeks to ensure that the heroes who live among us are fairly and adequately counted.

At the center of the issue is the question of where their usual residence is. We contend there is no question that whether deployed for a short period or even in time of war, our military associated with this base and those similarly situated, have their usual residence here. This is where their families are and clearly where they intend to return after a deployment.

Havelock, Craven County and similar military communities were deeply affected by the count during the 2010 Census that set the service member's Census enumeration as their Home of Record, but left confused family members in the same household to reconcile a directive that they be considered residents of this community. For many, they simply did not fill out the forms because of this confusion.

We ask that you treat our military as you do others who have work that requires them to travel or temporarily be somewhere for that work. Their intentions are to return to their usual residence where their family and community ties exist.

We appreciate this opportunity to speak about an issue that has significantly impacted our community's status and ability to serve these dedicated service members. We stand ready to speak further on this issue and thank you for receiving this and our attached comments.

City of Havelock, NC

Response to Federal Register Request for comments on the 2020 Census Count Issues

Specifically: Census of Military Persons during Deployments, wartime and normal rotation

June 2015

Summary

During the 2010 Census, Vietnam era guidance was used to count deployed military at their home of record rather than from the bases and host communities where they lived. Family members were to be counted at their homes on or in the communities around the bases, but many families incorrectly assumed the guidance also applied to them, and did not complete Census documents reflecting their status. For the State of North Carolina, thousands of servicemembers were enumerated at locations that had little to do with them, and for the host communities around the bases, the loss of an accurate count resulted in perceptions of a poor economy, reduced revenues based on population and a much reduced base count on which a decade of estimates are now based.

Request

To work with the services to determine the best method of counting, including temporary deployments and deployments during wartime or simply count the military with their spouses where that is their usual residence, even if both spouses are deployed.

The City requests deployed military members be counted at their usual residence in 2020. That is the usual residence from which they deployed from, and the one to which they intend to return. The City believes this rule, which follows the logic of other persons temporarily away from their home working are counted at their usual place of residence, should apply both in wartime and for non-wartime deployments.

Background

Guidance for the 2010 military counts came from a specific publication:

*"The military overseas population includes U.S. military personnel deployed for **wartime** efforts and U.S. military personnel on U.S. military vessels with a homeport outside the United States." Citation from 2010 Census publication D-3277*

From the Residency rules in the public notice for Military Persons:

"1(a) People away from their usual residence on Thursday, April 1, 2010 (Census Day), such as on a vacation or a business trip, visiting, traveling outside the U.S., or working elsewhere without a usual residence there (for example, as a truck driver or traveling salesperson)—Counted at the residence where they live and sleep most of the time. (80 FR 28950)

"9(a) U.S. military personnel living in military barracks in the U.S.—Counted at the military barracks.

"9(b) U.S. military personnel living in the U.S. (living either on base or off base) but not in barracks—Counted at the residence where they live and sleep most of the time. (80 FR 28951)

"9(c) U.S. military personnel on U.S. military vessels with a U.S. homeport—Counted at the onshore U.S. residence where they live and sleep most of the time. If they have no onshore U.S. residence, they are counted at their vessel's homeport. (80 FR 28951)

Effects from the 2010 Census in our area:

1. **Single Military** who were stationed at area bases (communities) who were **deployed** were **not counted** as **residents** of their bases.
2. **Military with families** (on or off bases) who were deployed were **not counted where their families were**.
3. **Military associated persons living off base were less likely to fill out Census forms when their military member was told they would be counted elsewhere**

Our View

The premise of the rules cited in the request for comment Federal Register Residency Rules directs that if someone is temporarily away from their usual place of residence, they should be counted at their usual place of residence. The City of Havelock encourages this premise to apply to military persons who are temporarily deployed.

For purposes of our discussion, we used the Marine Corps term deployed, which in most cases indicates a temporary assignment, duty or otherwise not permanent assignment for an individual or a unit. A temporary assignment could be up to a year or more.

In 2010, a large number of military persons assigned to bases within North Carolina were counted at their home of record because they were deployed. Many of those persons assigned in North Carolina, but not counted in North Carolina, were temporarily assigned to the War on Terror or assigned to routine training. The publically facing basis was the application of a rule cited in the 2010 Census

publication D-3277 which as stated above, called on wartime deployments to be counted at their home of record.

For those assigned to Marine Corps Air Station Cherry Point, it was clear that they were to return to the base from where they deployed and where their families and loved ones were still in residence, and not return to their home of record. In the case of a single service member who resides in the barracks, the barracks rooms are reassigned to different service members during the deployed period but a room at the same base will be assigned upon the service members return from deployment.

Because they were assigned to units associated with area bases, the service members have a usual (not necessarily specific) residence on or nearby the bases. Their assignment, even in wartime, is temporary and they intend to return to their usual residence on or nearby the bases from which they were deployed.

It is estimated that the 2010 Census had about 25,000 to 34,000 troops from North Carolina counted elsewhere. Nationally, about 1.4 million persons were counted away from their assigned bases in 2010. NC gained 30,298 in counting the home of record status for all troops. This count does not accrue to local jurisdictions, but only to the entire state's population count for apportionment.

The failure to count these troops as residents led to perceptions of a significant loss of population for our community. It caused those who read the headlines to back away from economic advances for our community. Additionally, the lower count robbed local communities of allocated revenues based on population used to support the military families and other citizens of our community.

The counting of military personnel on Military vessels with a U.S. homeport also needs adjustment. Marines from North Carolina bases deploy on U.S. vessels home ported in other states. Married service members have an onshore residence in the State of North Carolina but single service members who have given up their barracks room or residence for the duration of the deployment were not counted in North Carolina. These service members are not considered permanent "Ships Company" and should not be counted at the ships homeport. Service Members from deployed Marine Units, even on Ships, should be counted at their permanent assigned duty station or base.

Home of Record frequently not accurate

During the preparation for the 2010 Census, City officials contacted the Special Populations branch to inquire about military counts. Technical Paper 62 was cited as the guidance for the directive in 2010 Census publication D-3277. The paper reflected that Congressional intent was to have military deployed, temporarily or otherwise, be counted in the Census. A system that would count the personnel was identified but "because of a lack of funding and other constraints...the DOD cancelled its plans" and a decision was reached to count deployed persons at their home of record as the first option.¹

The Home of Record is completely unrelated to the definitions used in the Residency Rule for usual residence and that the application of the premise of using their usual residence is most accurate.

Secondary Effect

Because the deployed military member was counted at a home of record in 2010, their remaining family members who should have been counted in their shared usual residence (and where the military member will most likely return) were sometimes confused about their status. Many families declined to be counted locally because of the confusion. Some believed filling out the form would change their status in contradiction to the military member's status for other purposes. Many states allow military on active duty to remain a citizen of their state for tax purposes, without regard for their usual residence during this period.

Through the partnership with the US Census, our community's Complete Count Committee launched billboards and messages from trusted voices to encourage military families whose active member or members were being counted at their home of record to fill out the Census questionnaire indicating what was truly their usual residence in the community.

Routinely Marine troops are deployed as part of a Marine Expeditionary Unit. Primarily, these are US Navy ship-based and roam a specific theater frequently being given assignments based on world events. Assignments were normally six-months, but world conditions and circumstances drive the length of the deployment. Proud of the moniker as the "President's 9-1-1 force," other Marine units may deploy by other means to a theater based on world events or on standby. In each case, the units intend to perform their assignments and return back to the base from which they deployed.

Counting Marine troops aboard ships as being residents of the homeport of the ship does not represent their usual residence as the ship is merely a transport and platform on which they perform their duties. In most cases, the ships arrive at ports in North Carolina or off shore where they pick up the service members assigned to the deploying units.

"Rear Presence"

Marine units deployed frequently have a full-time presence at the base whether or not it is deployed. This is further evidence of the relative permanence of their base operations and more evidence that members of that unit should clearly be counted as part of the base host community where they come from; either in base housing or as living off base.

Even if the unit does not have a rear presence, the clear evidence of usual residence is that they validate their intention to return to the Marine bases because that is where their families live either on base or in the community. This demonstration of rear presence is demonstrated at the celebrations of returning deployed persons met by families who largely are residents of the community.

Suggestions for the 2020 Census

The City supports actions that would cause the administration of the services to present the count of troops as they are assigned for a duty station. For troops assigned a foreign base, they are part of the overseas population. For troops assigned a main on shore base, they should be counted there even if they are temporarily deployed. They clearly intend to return to the assigned base after their deployment, and believe that to be their usual residence.

We believe that each service should be challenged to prepare the count of deployed persons.

- For military persons living in a barracks, the count should reflect their assignment to that base and should be filled out by the military as part of the normal Quarters count.
- For military persons living with their families, the count should reflect their usual residence, whether it is on base or off base. Families with a deployed member should be encouraged to mark the temporally deployed persons as deployed and the base to which the member is assigned.

The City of Havelock is proud of our military members and wants to accurately count persons in our community.

¹ US Department of Commerce, Economics and Statistics Administration, Bureau of the Census, Karen M. Mills, Technical Paper 62, "Americans Overseas in U.S. Censuses" (portions are attached)

Resources and References

	<p>Census Publication Page 7 US Census 2010 Publication D-3277: A Guide for US Military Personnel</p> <p>US Census Special Population Programs Branch Communication Page 9 October 2009 Email Exchange with Special Population Programs Branch including guidance document from US Census. Portions of Technical Paper 62 are included in the responses from the Special Population Programs Branch.</p> <p>Reaction Letters Page 23 Collection of Letters including responses from US Census officials</p> <p>Reaction and Results Page 33 Some of the work of the Complete Count Committee and some results, graphics and discussion about Census counts</p>
c136	<p>Common Cause Georgia submits this comment in response to the Census Bureau’s federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). We urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>Making sure that census figures accurately reflect a county’s population ensures that officeholders are held accountable by citizens who actually live in their district. Even the perception of ‘prison gerrymandering’ erodes trust in the system, further exacerbating low voter turnout and political engagement. Ending it would perceptibly improve our democracy.</p> <p>As you know, American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the growth in the prison population requires the Census to update its methodology again.</p> <p>The need for change in the “usual residence” rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the number of incarcerated people as more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. In Butts County, Georgia, for example, residents in District 3 of the county are given twice as much influence over county affairs because 49% of their district is incarcerated.</p> <p>Currently, four states (California, Delaware, Maryland, and New York) are taking a state-wide approach to adjust the Census’ population totals to count incarcerated people at home, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts.</p> <p>But this ad hoc approach is neither efficient nor universality implementable. The Massachusetts legislature, for example, concluded that the state constitution did not allow it to pass similar legislation, so it sent the Bureau a resolution in 2014 urging the Bureau to tabulate incarcerated persons at their home addresses. See The Massachusetts General Court Resolution “Urging the Census Bureau to Provide Redistricting Data that Counts Prisoners in a Manner Consistent with the Principles of ‘One Person, One Vote’” (Adopted by the Senate on</p>

	<p>July 31, 2014 and the House of Representatives on August 14, 2014).</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because Common Cause Georgia believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home address.</p>
c137	<p>I submit this comment in response to the Census Bureau’s federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). I urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day. I now live in Kentucky, which I’m sure has its fair share problems with prison gerrymandering, but I’m writing to draw your attention to the trouble that the Bureau’s prisoner miscount caused for us in Arizona, where I lived at the start of this decade. As I am sure you know, in 2010 the Bureau yet again counted anyone who happened to be in a prison or jail on Census day as if they were residents of that facility’s location. When it came time to redistrict, there was a lot of discussion about what to do about that. The Arizona Independent Redistricting Commission eventually decided to use the Bureau’s data, but at the same time to be mindful that incarcerated people were counted in the wrong place. So as the state redistricted, it kept in mind that the data they relied on included a large number of non-voting incarcerated people, and made sure to keep an eye on any potential electoral consequences. The Commission was particularly worried about how the data might misrepresent minority voting strength so they excluded prison populations when performing their Voting Rights Act analysis. Without keeping a close eye on the inaccuracies in the Bureau’s data, the voting strength of Arizona’s Tribal communities would have been particularly affected. Thank you for this opportunity to comment on the Residence Rule and Residence Situations. I urge you to count incarcerated people as residents of their home address, and hope that I don’t need to relive Arizona’s troubles in my new home state in 2020.</p>
c138	<p><i>This comment submission contains graphics and cannot be displayed in this table. It is available as Appendix Attachment c138.</i></p>
c139	<p>Common Cause New Mexico and the Central New Mexico Chapter of Progressive Democrats of America submit this comment in response to the Census Bureau’s federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). Common Cause New Mexico urges you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>Ensuring that redistricting is impartial and that legislative lines are drawn in a fair and transparent way is part of our core mission to promote civic engagement and accountability in government. So is ensuring that every eligible American’s vote is counted fairly. Counting incarcerated persons as residents of the district in which they are temporarily held has the effect of unfairly enhancing the political power of those who live and vote in the prison district while also unfairly diluting the votes of those in districts without prisons. Legislators with a prison in their district should not get a bonus for keeping the prison full. This dynamic hurts our democracy. And it hurts the communities from which these incarcerated persons hail.</p> <p>As you know, American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the explosion in the prison population requires the Census to update its methodology again. A fair redistricting process not only involves complying with the federal law of “one person, one vote” but also with the federal Voting Rights Acts of 1965, which protects minority communities’ opportunities “to participate in the political process and to elect representatives of their choice.”</p> <p>The need for change in the “usual residence” rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the number of incarcerated people has more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census.</p>

	<p>In New Mexico, the practice of prison-based gerrymandering distorts our districts. Two districts drawn after the 2000 Census include more than 1,000 incarcerated people as constituents. The actual residents of districts 8 and 62 are being granted about 4% more influence than the residents of each other district. On the local level, in the city of Hobbs, 21% of people in District 5, drawn after the 2000 Census, were incarcerated at the Lea County Correctional Facility. This means that every 79 residents in District 5 had as much political power as 100 residents in the other districts.¹</p> <p>Aztec City drew districts based on actual resident populations after the 2000 Census, rejecting prison-based gerrymandering. New prisons constructed in Cibola and Union counties over the last decade will require county officials to decide for the first time whether they will count incarcerated persons in the prison districts.² If the Census Bureau were to right an outdated mode of counting, then counties with new prisons would have proper guidance to follow.</p> <p>Currently, four states (California, Delaware, Maryland, and New York) have taken a state-wide approach to adjust the Census' population totals to count incarcerated people at home, and over 200 counties and municipalities individually adjust population data to avoid prison gerrymandering when drawing their local government districts.</p> <p>This ad hoc approach in a few states, counties, and municipalities is neither efficient nor universality implementable. If the Census Bureau would change its practice of counting incarcerated individuals at their home address rather than at the prison location, it would significantly alleviate the burden on state and local agencies and provide an efficient solution to greatly improve the fairness of apportionment and representation for millions of Americans. As you well know, states across the country look to the Census Bureau as the nation's foremost expert on national demographics and data, and more often than not count incarcerated persons the way the Bureau does. Once the Bureau leads the way with an update to a now outdated practice, states are sure to follow.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations; we appreciate the Bureau's aim to count everyone in the right place in keeping with changes in society and population realities. Because Common Cause New Mexico and the Central New Mexico Chapter of Progressive Democrats of America believe in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their last-known home addresses.</p> <p>¹ See Prison Policy Initiative, Fixing Prison-Based Gerrymandering After the 2010 Census: New Mexico, (Jul. 15, 2015, 7:53 PM), http://www.prisonersofthecensus.org/50states/NM.html</p> <p>² Id.</p>
c140	<p>I serve as a Senator in the Georgia State Senate, representing District _____, and I submit this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). I urge you to count incarcerated people at their home address, rather than at the particular facility where they happen to be located when the Census is taken.</p> <p>As an elected representative, I am keenly aware that democracy, at its core, rests on equal representation. And equal representation, in turn, rests on an accurate count of the nation's population.</p> <p>As you know, American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the growth in the prison population requires the Census to update its methodology again.</p> <p>The need for change in the "usual residence" rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the number of incarcerated</p>

	<p>people has more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. In Georgia, this results in decennial misallocation of constituents among state legislative districts. Additionally, about 35 of our counties, cities, and school boards have their districts skewed by the Bureau's 2010 prisoner miscount. The largest vote dilution is 36%.</p> <p>Currently, four states (California, Delaware, Maryland, and New York) are taking a state-wide approach to adjust the Census' population totals to count incarcerated people at home, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts. In our state alone 16 counties, cities, and school boards each adjusted the census data to avoid skewing their districts.</p> <p>But this ad hoc approach is neither efficient nor universally implementable. It makes far more sense for the Bureau to provide accurate redistricting data in the first place, rather than leaving it up to each state and local jurisdiction to have to adjust the Census' data to incarcerated people in their home district.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because our democracy relies on a population count that accurately represents communities, I urge you to count incarcerated people as resident of their home address.</p>
c141	<p>I submit this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). I urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. When this data is used for redistricting, prisons inflate the political power of those people who live near them.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because I believe in a population count that accurately represents communities, I urge you to count incarcerated people as residents of their home address.</p>
c142	<p>Common Cause Illinois submits this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). Common Cause Illinois urges you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>Common Cause Illinois is committed to ensuring that all individuals are given equal representation. If changes are not made to the existing process, incarcerated people will continue to incorrectly skew the results of the census, enhancing the political clout of people who live near prisons while diluting the overall voting power of all other Illinoisans.</p> <p>As you know, American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the growth in the prison population requires the Census to update its methodology again.</p>

	<p>The need for change in the “usual residence” rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the number of incarcerated people as more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. In Illinois, this resulted in 11 House districts that derived 2 or more percent of their population from people incarcerated at correctional facilities located within the districts. There are also important racial considerations at play in the state, where African Americans are considerably overrepresented in Illinois prisons and jails. Across the state, African Americans make up 15% of the total population but account for 56% of the incarcerated population.</p> <p>Currently, four states (California, Delaware, Maryland, and New York) are taking a state-wide approach to adjust the Census’ population totals to count incarcerated people at home, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts.</p> <p>But this ad hoc approach is neither efficient nor universally implementable. The Massachusetts legislature, for example, concluded that the state constitution did not allow it to pass similar legislation, so it sent the Bureau a resolution in 2014 urging the Bureau to tabulate incarcerated persons at their home addresses. <i>See</i> The Massachusetts General Court Resolution “Urging the Census Bureau to Provide Redistricting Data that Counts Prisoners in a Manner Consistent with the Principles of ‘One Person, One Vote’” (Adopted by the Senate on July 31, 2014 and the House of Representatives on August 14, 2014).</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because Common Cause Illinois believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home address.</p>
c143	<p>I represent the _____ Senate District in New York State and submit this comment in response to the Census Bureau's federal register to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>As an elected representative, I am keenly aware that democracy, at its core, rests on equal representation. And equal representation, in turn, rests on an accurate count of the nation's population.</p> <p>As you know, American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the growth in the prison population requires the Census to update its methodology again.</p> <p>The need for change in the "usual residence" rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the number of incarcerated people has more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census.</p> <p>In 2010, New York State joined California, Delaware and Maryland to pass legislation to adjust the Census' population totals to count incarcerated people as residents of their original homes; and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts.</p>

	<p>But this ad hoc approach is neither efficient nor universally implementable. It makes far more sense for the Bureau to provide accurate redistricting data in the first place, rather than leaving it up to each state to have to adjust the Census' data to count incarcerated people in their home district.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because democracy relies on a population count that accurately represents communities, I urge you to count incarcerated people as residents of their home address.</p>
c144	<p>The Brennan Center for Justice at New York University School of Law submits this comment in response to the Census Bureau's federal register notice regarding the 2020 Decennial Census Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). For the reasons set forth below, we respectfully ask the Census Bureau build on the changes it made in conjunction with the 2010 Census and update the usual residence rule for the 2020 Census so that all incarcerated persons are counted at their home address rather than the prison facility where they are located on Census Day.</p> <p>Founded in 1995 to honor the extraordinary contributions of Justice William J. Brennan, Jr., the Brennan Center is a not-for-profit, nonpartisan think tank and public interest law institute that seeks to improve systems of democracy and justice. Based on the findings of our research, we have long expressed concerns about the negative societal impact of counting prisoners where they are incarcerated and urged that they be enumerated at their pre-incarceration home addresses instead. In New York, we participated heavily in the drafting of a landmark law passed by the legislature in 2010 which required that the state's redistricting agency reallocate prisoners to their home communities for purposes of apportionment. We subsequently successfully defended the law from legal challenges.¹</p> <p>The high rate of mass incarceration in the United States continues to exacerbate the urgency of counting incarcerated people at their home address. The number of people incarcerated in state and federal prisons has dramatically risen from approximately 200,000 in 1970 to more than 1.5 million in 2013.² Although some states have begun to enact criminal justice reforms to reduce the high rate of incarceration, the likelihood is that a high number of people still will be imprisoned on Census Day in 2020.</p> <p>This high rate of incarceration creates a significant distortive effect when it comes to apportionment, particularly at the state legislative level. This is because most incarcerated persons are being held in facilities located far away from their home communities, often in rural communities. For example, ten years ago about 91% of people incarcerated in New York were held in upstate New York facilities despite the fact that 66% of the inmates were from New York City. This meant that communities in New York City were unrepresented in the state's legislature. Similar sorts of distortions are common across the United States. While New York's state legislature addressed the imbalance through legislation in 2010, many states continue to count inmates where prisons are located because they are not able for a variety of reasons to make adjustments on their own.</p> <p><i>Prisoners lack ties to the communities where they are incarcerated.</i></p> <p>As detailed in our 2004 report, <i>Accuracy Counts: Incarcerated People and the Census</i>, statistics, legal precedent, and historical context all make changing the way incarcerated persons are counted a matter of pressing public policy.³ In the forward to the report, Dr. Kenneth Prewitt, Director of the U.S. Bureau from 1998 to 2001, powerfully argued that, "Counting people in prison as residents of their home communities offers a more accurate picture of the size, demographics, and needs of our nation's communities." Dr. Prewitt went on to emphasize two themes that continue to be relevant today: "Incarcerated people have virtually no contact with the community surrounding the prison. Upon release the vast majority return to the community in which they lived prior to incarceration." A decade later, those concerns remain pressing.</p>

Counting incarcerated persons where they are imprisoned, as Dr. Prewitt said in his forward, "ignores the reality of prison life." Prisoners have only tenuous connection at best to the communities where prisons are located. They are unable to vote, utilize local parks, enroll in schools, or visit libraries in the communities where they are being held. They have no connection to civic life outside of the prison facility. By contrast, prisoners maintain much stronger ties to their home communities. In fact, the U.S. Department of Justice estimated in 1999 that 55% and 63% of state and federal prisoners, respectively, had children that were minors, a high percentage of whom reside in prisoners' home communities. It is not surprising then that the vast majority of the more than 680,000 persons released from prison each year return to the communities they resided in prior to their incarceration.

Counting prisoners in their home communities would be more consistent with how prisoners are treated for other purposes

Finally, considering incarcerated individuals as residents of the area where their prison facility is located is at odds with how most jurisdictions define the residency of prisoners. For instance, over 100 years ago, the New York Court of Appeals held in *New York v. Cady* (1894)⁴ that a prisoner's legal residence is where he or she chooses to live as opposed to where that person is incarcerated. Likewise, the Sixth Circuit in *Stifel v. Hopkins* (1973)⁵ determined that there is a rebuttable presumption that a person's residence prior to incarceration remains his or her residence unless that person intends to change it. Many states have similar residence rules that govern residency, venue in judicial proceedings, and voting.⁶ Changing the usual residence rule to be consistent with practice of the majority of states would bring the federal rule in line with what states have long recognized: prisoners are not part of the communities where prisons are located.

Thank you again for the opportunity to comment on the 2020 Decennial Census Residence Rule and Residence Situations as the Census Bureau strives to count each person in his or her correct location. Because of the importance of a population count that accurately portrays communities throughout the United States, we ask that you update the usual residence rule to count incarcerated individuals as residents at their home addresses. We are happy to answer any questions.

¹ *Little v. LATFOR*, No. 2310/2011 (N.Y. Sup. Ct., Albany Cnty Dec. 1, 2011).

² E. ANN CARSON, U.S. DEPT. OF JUSTICE, BUREAU OF JUSTICE STATISTICS, PRISONERS IN 2013, available at <http://www.bjs.gov/content/pub/pdf/p13.pdf>.

³ PATRICIA ALLARD AND KIRSTEN D. LEVINGSTON, BRENNAN CTR. FOR JUSTICE, ACCURACY COUNTS: INCARCERATED PEOPLE & THE CENSUS (2004), available at http://www.brennancenter.org/sites/default/files/legacy/d/RV4_AccuracyCounts.pdf.

⁴ *New York v. Cady*, 143 N.Y. 100 (1894).

⁵ *Stifel v. Hopkins*, 477 F.2d 1116, 1124 (6th Cir. 1973).

⁶ PATRICIA ALLARD AND KIRSTEN D. LEVINGSTON, BRENNAN CTR. FOR JUSTICE, ACCURACY COUNTS: INCARCERATED PEOPLE & THE CENSUS 12 n.65-67 (2004), available at http://www.brennancenter.org/sites/default/files/legacy/d/RV4_AccuracyCounts.pdf.

c145 As _____ of the Delaware Housing Coalition, I am writing in response to your May 20 federal register notice regarding the Residence Rule and Residence Situations.

Our organization relies on population data that accurately represents communities. Each year, we publish/update two publications that depend on Census data and that housing organizations throughout the state depend on for data that they use in planning their programs and that helps them apply for funding: *Who Can Afford to Live in Delaware?*, a comprehensive report on housing affordability, and *Out of Reach* that focuses on rental data.

	<p>We are very concerned about the Bureau’s practice of counting incarcerated individuals at the prison location since this skews population data. Most particularly, this undercounts male and African American Delawareans in our cities. I therefore urge you to count incarcerated people at their home address, rather than at the particular facility where they happen to be located on Census day.</p>
c146	<p><i>This comment submission contains graphics and cannot be displayed in this table. It is available as Appendix Attachment c146.</i></p>
c147	<p>This message is in response to the May 20, 2015 Federal Register Notice regarding the “2020 Decennial Census Residence Rule and Residence Situations” (https://federalregister.gov/a/2015-12118). As part of a state agency that utilizes Census Bureau data on a daily basis, I want to emphasize that the determination and communication of an easily-interpreted and logically consistent residence rule for each type of residence situation is essential for coherent and useful census tabulations. This includes communication from the Census Bureau on how respondents should interpret the often-used Residence Rule phrase “most of the time.”</p> <p>Along with easily-interpreted and logically consistent rules, consistent communication and application of the rules by residence type from place to place across the country is critical. To provide this, I think the Census Bureau must ensure (1) adequate and uniform training of 2020 Census field workers, along with readily available guidelines and contacts, <i>especially</i> to manage less common residence situations, and (2) clear communication of residence rules and guidelines to 2020 Census partners and respondents (the public) as part of 2020 Census <i>preparation</i>. A designated point-of-contact for residence determination may also be useful for Census Bureau staff, as well as 2020 Census partners and respondents.</p> <p>I also want to encourage the Census Bureau to provide 2020 Census summary file tabulations based on (2010 Census form question 10 or equivalent) “Does Person [X] sometimes live or stay somewhere else?” (including tabulations of the follow-up information from respondents who answer Yes). I have not heard discussion of this by Census Bureau staff before, but to help facilitate the best interpretation and use of decennial census data at the state and local level throughout the decade, I think it’s important that it be considered.</p> <p>Finally, I want to note that for any 2020 version of the 2010 Census Individual Census Report form (special form used for group quarters enumeration), Military Census Report form, or alternative forms used in enumeration, the Census Bureau should consider a question to the effect of “Do you sometimes live or stay somewhere else?” (including the follow-up information about that residence for respondents who answer Yes, equivalent to the regular 2010 Census form question 10). (For the 2010 Census, my record is that there was Individual Census Report question 7 “(If No) What is the full address of a place where you live or stay MOST OF THE TIME?” (I believe there was research on different versions of this question) but that was only for the subset of respondents who answered No to question 6 “Do you live or stay at this facility MOST OF THE TIME?” and, additionally, it didn’t provide the additional follow-up information about that other residence.)</p> <p>Please let me know if you have any questions or if any further information would be helpful, and thank you for all your work to ensure a successful 2020 Census.</p>
c148	<p>I am writing in response to your May 20 federal register notice regarding the Residence Rule and Residence Situations. I am a Professor of Sociology. I and my colleagues use Census data in a wide variety of ways to understand patterns of inequality in the United States. My own research has focused on identifying the causes and consequences of racial disparities in incarceration. As part of this research, I have discovered many cases in which the population characteristics of smaller rural counties have been extremely distorted by counting prisoners in the places where they are incarcerated. There would be a more accurate representation of the social characteristics of different places if people were counted where they resided at the time of their sentencing.</p> <p>As I do quantitative analysis, I took the time to dig a little more into available statistics provided by the Prison Policy Initiative on county-level counts of incarcerated and non-incarcerated persons by race for my state of Wisconsin. There are seven Wisconsin counties in which incarcerated people are 3.2%-6.4% of the county’s total enumerated population, a large enough fraction to distort local socioeconomic measures.</p>

	<p>Only five Wisconsin counties are more than 2% Black for their non-incarcerated populations. Due to the locations of prisons, in 10 of Wisconsin's 72 counties, a <i>majority</i> (in some cases over 80%) of the apparent Black "residents" of the county are incarcerated, in another 6 counties 25-50% of the apparent Black residents are incarcerated, and in another 7 between 10-25% of the apparent residents are incarcerated. These incarcerated "residents" are unlikely to have resided in that county before incarceration and their presence distorts local statistics.</p> <p>Although aggregate Census data do not permit identifying the home county of those incarcerated, using the criterion of counties whose non-incarcerated Black population is less than 2% and have a higher percentage of the state's Black prisoners than their percentage in the population, I estimate that at least 2.3% of the state of Wisconsin's total Black population (all ages, incarcerated and not) is attributed to "White" counties where they are imprisoned instead of to the place they resided before incarceration. This seems like a pretty large shift to me. As a citizen I am concerned about the undemocratic aspects of shifting representation from minorities and cities to predominantly-White rural areas.</p>
c149	<p>The undersigned members of the Massachusetts Coalition for Effective Public Safety (CEPS) submit this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). A number of CEPS members not listed here have already sent letters to the Bureau on behalf of their respective organizations. We urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>CEPS is a coalition of advocates, program providers, parolees, formerly incarcerated men and women, friends and relatives of prisoners, and human rights activists who have joined forces to promote and safeguard the human rights of all people across the Commonwealth of Massachusetts and focus on parole, solitary confinement and medical release reform.</p> <p>We are, therefore, particularly troubled by the Census Bureau's interpretation of the residence rule to count incarcerated people as if they were residents of the prison locations rather than residents of their communities. When this data is used for redistricting it results in prison gerrymandering; prisons inflate the political power of those people who live near them. This misallocation of constituents shifts political priorities, delaying justice for our communities.</p> <p>The need for change in the "usual residence" rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the number of incarcerated people has more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census and for our democracy.</p> <p>And while some states have been able to address the prison gerrymandering problem to some extent on their own, our legislature ran into a complication with the state constitution, and so passed a resolution calling on the Bureau to solve the problem instead.</p> <p>We echo our legislators' call and urge you to count incarcerated people at home.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities.</p>
c150	<p>I am writing in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015), to urge you to count incarcerated people at their home address.</p> <p>I am a _____ of the David J. Epstein Program in Public Interest Law and Policy at UCLA School of Law. Prior to joining</p>

UCLA I was the _____ for the Campaign for Youth Justice, a national nonprofit devoted to removing youth from the adult criminal justice system. My research focus is on the dangers of incarceration for youth and its impact on families and communities of color.

Although I am not a demographer, I can clearly see the practical results of the Bureau's decision to count incarcerated people as if they resided at the particular facility that they happen to be located at on Census day. When the Bureau's data is used for redistricting, it inflates the political power of people who live near prisons. The result of this arrangement is compounding policy choices that are against the best interests of the communities most impacted by incarceration

And while I am proud that California is one of the states leading the way to ameliorate the skewing effects of the Bureau's miscount, I wish that it were not necessary. In 2011 California was the fourth state in the country to pass a law to adjust Census data for state-wide redistricting. The new law will take effect for the 2020 round of redistricting and requires the Department of Corrections to report the home addresses of incarcerated people to the Citizens Redistricting Commission so that the Commission may count incarcerated people at home for redistricting purposes.

Even before the state took action, virtually all California counties with large prisons took it upon themselves to avoid prison gerrymandering within their own governments. These include Amador, Del Norte, Imperial, Kern, Kings, Lassen, Madera, Monterey, San Luis Obispo, and Tuolumne counties. Madera County actually went as far as to pass a resolution explaining why they could not use the Bureau's data as-is for redistricting (the resolution is attached).

Therefore it may at first glance appear that my state has the prison gerrymandering problem solved, but even we would greatly benefit from the Bureau updating its methodology to count incarcerated people at home. For example, our redistricting commission is independent of the legislature, so even if the state adjusts the Bureau's data to count incarcerated people at home, there is a chance that the commission might default to the Census data published by the Bureau. And taking a bigger picture view, it makes little sense for each state or county government across the country to have to make these necessary adjustments on their own.

Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place. I believe that a strong democracy and fair criminal justice policy depend on a population count that accurately represents all communities, so I urge you to count incarcerated people as residents of their home address.

BEFORE
THE BOARD OF SUPERVISORS
OF THE COUNTY OF MADERA
STATE OF CALIFORNIA

In the Matter of
BOARD OF SUPERVISORS

Resolution No.: 2011 - 100
A RESOLUTION REGARDING PRISON
POPULATIONS AND SUPERVISORIAL
DISTRICTS

WHEREAS, the U.S. Census currently counts incarcerated people as residents of their place of incarceration; and

WHEREAS, the Constitution of the State of California, Article II Section 4, states "The Legislature shall prohibit improper practices that affect elections and shall provide for the disqualification of electors while mentally incompetent or imprisoned or on parole for the conviction of a felony."; and

WHEREAS, almost all of the people incarcerated at the correctional facilities located within the borders of our County are not residents of our County; and

WHEREAS, these incarcerated persons do not become residents of the County when they are incarcerated, since they are here involuntarily and can be relocated by the state Department of Corrections and Rehabilitation; and

WHEREAS, persons incarcerated in state and federal correctional institutions live in a separate environment, do not vote or otherwise participate in the life of Madera County, cannot build enduring ties in Madera County, and do not individually affect the social and economic character of the towns in which the correctional facilities are located; and

WHEREAS, although these individuals are counted by the U.S. Census as if they were residents of our County, in the past the County has not used these Census counts to draw legislative districts; and

WHEREAS, when the County uses prison populations to draw legislative districts, it gives extra influence to the districts that contain the prisons. For example, the two prisons in District 2 house approximately 7,000 inmates. Dividing the total county wide population of 150,865 by the five Supervisorial districts allows for a population of 30,173 per district. Seven thousand out of that 30,173 are inmates, or 23 percent of the population of District 2. This leaves each group of 77 people in District 2 as much say over county issues as 100 people in the other four districts; and

WHEREAS, this prison-based gerrymandering contradicts the basic principles of equal representation embraced by the State of California and federal Constitutions; and

WHEREAS, the counties of Amador, Del Norte, Imperial, Kern, Kings, Lassen, Monterey, San Luis Obispo, and Tuolumne, as well as more than 100 counties across the United States avoid the problem of prison-based gerrymandering by ignoring the prison populations when drawing legislative districts; and

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Madera, State of California, that the Board will remove the prison populations from the redistricting data used to draw County legislative districts.

The foregoing Resolution was adopted this 24th day of May _____, 2011, by the following vote:

c151

United Congress of Community and Religious Organizations (UCCRO) is writing in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). We urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.

UCCRO is a coalition of seven community-based organizations covering communities in the Chicagoland area that's been working on the issue of prison gerrymandering for over 4 years. These communities which are largely African American and Hispanic account for about 20 percent of statewide prisoners statewide, and nearly half of city of Chicago prisoners in the state. Though these prisoners are released to the communities of their legal address the vast majority are counted in the prison districts where they are incarcerated, giving those prison districts additional representation because of the inflated count. Prison gerrymandering is bad for democracy and is a practice that needs to be corrected to reflect the true demographics of the all of the communities impacted. Illinois law says that a prison cell is not a residence.

As you know, American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the growth in the prison population requires the Census to update its methodology again.

The need for change in the “usual residence” rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the number of incarcerated people has more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census.

- By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. In Illinois, this resulted in about 56 percent of the prison population being black. In Illinois blacks are incarcerated nearly ten times the rate of whites. Yet there are counties that receive an unfair advantage in political power. One county for example is Lee County that counts 25% of its population from a federal prison, thereby giving every group of 75 people the political clout of 100 people in surrounding districts.

Currently, four states (California, Delaware, Maryland, and New York) are taking a state-wide approach to adjust the Census’ population totals to count incarcerated people at home, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts.

But this ad hoc approach is neither efficient nor universally implementable. The Massachusetts legislature, for example, concluded that the state constitution did not allow it to pass similar legislation, so it sent the Bureau a resolution in 2014 urging the Bureau to tabulate incarcerated persons at their home addresses. *See* The Massachusetts General Court Resolution “Urging the Census Bureau to Provide Redistricting Data that Counts Prisoners in a Manner Consistent with the Principles of ‘One Person, One Vote’” (Adopted by the Senate on July 31, 2014 and the House of Representatives on August 14, 2014).

United Congress of Community and Religious Organizations call upon the Census Bureau to change its practice as well.

We appreciate this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because UCCRO believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home address.

c152

The Southern Center for Human Rights (SCHR) submits this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). SCHR urges you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.

The Southern Center for Human Rights (SCHR) is a non profit law firm based in Atlanta, Georgia, that dedicated to providing legal representation to people facing the death penalty, challenging human rights violations in prisons and jails, seeking through litigation and advocacy to improve legal representation for poor people accused of crimes, and advocating for criminal justice reform on behalf of those affected by the system in the Southern United States.

In the course of carrying out our work, it has become increasingly clear that it is imperative to end prison gerrymandering so that we may ensure equal representation throughout Georgia. SCHR urges you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.

Georgia has a relatively high incarceration rate, currently locking up more than one person for each group of 200 people. But many of the state's prisons are located in sparsely populated areas, resulting in a significant distortion in how the Census portrays these communities. In ten Georgia counties, more than 10% of the county's Census population is incarcerated. Twenty percent of Calhoun County is incarcerated.

	<p>These are not the most punitive counties in the state, they just happen to be the places where the prisons are located.</p> <p>Nine Georgia House Districts drawn after the 2000 Census derived more than 5% of their required population from incarcerated, disenfranchised people. One district was almost 11% incarcerated, giving every 89 people who live in that district with the prison as much influence as 100 people who live in another other district in the state that does not contain a large prison.</p> <p>There are significant political differences between the places that most incarcerated individuals come from and the places where they are incarcerated. An analysis by the state Department of Corrections found more Georgia prison inmates come from Atlanta zip code 30318 than any other of the state's 965 ZIP codes. Atlanta as a whole is city that strongly votes with the Democratic Party, yet due to prison gerrymandering, residents of conservative Butts County (Georgia District 3) were given twice as much influence over county affairs as residents of other districts because 49% of District 3 was incarcerated at the Georgia Diagnostic and Classification Center.</p> <p>Either the Census Bureau needs to change how it counts prisoners, or states like Georgia need to find their own ways to count their population prior to redrawing district boundary lines. Otherwise, the geographic and racial disparities in our criminal justice system will continue to spill over into our electoral system.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because SCHR believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home address.</p>
c153	<p>The Fortune Society (Fortune) submits this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). Fortune urges you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. When this data is used for redistricting, prisons inflate the political power of those people who live near them.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because The Fortune Society believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home address.</p> <p>Please do not hesitate to contact me by email at _____ or by phone at _____, if you have any questions regarding this letter.</p>
c154	<p>In 2010, the U.S. Census Bureau counted deployed service members as part of the population of their home of record. During this time, there were approximately 10,000 service members stationed at Fort Campbell who were deployed from the installation at the time of the census. Furthermore, over 250,000 United States military personnel were temporarily deployed overseas in support of contingency operations, or for other short-term missions. Home of record is generally defined as the permanent home at the time of entry or re-enlistment into the Armed Forces as included in personnel files; when a deployment ends, soldiers return to their home base--not their original home town or home of record.</p> <p>This once a decade head count sets a baseline population upon which annual estimates are based for the next ten years. Many federal and state assistance programs use formulas based on the decennial census or derivatives from the decennial census data. With the current methodology, the communities in which these service members reside prior to deployment are deprived of potentially large sums of federal and state funding.</p>

	<p>By using the last duty station to count deployed service members the 2020 Census data will depict a more accurate representation of where the deployed service members live prior to deployment and in return allow the communities where these service members live access to more funding to provide services and programs for the military members and their dependents during the following ten year period.</p> <p>Thank you for consideration of this request.</p>
c155	<p>In response to the Federal Census Bureau 's Register Notice regarding the Residence Rules and Residence Situation 8 FR 28950 (5/20/2015), New Jersey Association on Correction hereby advises the following comment; New Jersey Association on Correction urges you to count those incarcerated as residents of their home address rather than then the address of the particular facility they happen to be located in on Census Day.</p> <p>In the 2010 Census, prison cells were designated as residences which therefore determined a disproportionate population of males both African American and Latino. 5,393 census blocks were located far from the actual homes of the incarcerated population. When this data is used for redistricting, prisons inflate the political power of those who live near them.</p> <p>Thank you for the opportunity to comment on the Bureau's efforts to count everyone in the right place. New Jersey Association on Correction believes in a population count that is accurate.</p> <p>Thank you for your consideration.</p>
c156	<p>Arkansas Voices for the Children Left Behind submits this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). We urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be imprisoned at on Census day.</p> <p>Arkansas Voices for the Children Left Behind advocates for the children of incarcerated parents and, therefore, we are very concerned about ensuring equal representation for the home communities of these children.</p> <p>As you know, American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the growth in the prison population requires the Census to update its methodology again.</p> <p>The need for change in the "usual residence" rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the number of incarcerated people has more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census.</p> <p>I frequently visit Arkansas prisons and have observed a few similarities between the different prisons in the state. First, the prisons are located far away from the home communities of incarcerated people. It often takes a significant amount of time and expense for children to visit their incarcerated parents, straining incredibly important relationships. Second, the prisons are located in parts of the state with vastly different demographics than the home communities of incarcerated people. Nationally, by designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people.</p> <p>Because Arkansas is not one of the four states that have found a statewide solution to counting incarcerated people at home, particular</p>

	<p>Arkansas counties are underrepresented politically because the state's prison population comes disproportionately from some counties such as Sebastian County (home for 4.3% of the state but 8.3% of its incarcerated people) and Crittenden County (home for 1.8% of the state, but 3.9% of its incarcerated people). Further, since Blacks are overrepresented in Arkansas prisons and jails, they are going to bear the brunt of prison gerrymandering. Blacks are incarcerated four times more than Whites in Arkansas.</p> <p>In addition to the handful of states that have ended prison gerrymandering, there are over 200 counties and municipalities that have individually adjusted their population data to avoid prison gerrymandering, but this ad hoc approach is not always possible. The Massachusetts legislature, for example, concluded that the state constitution did not allow it to pass similar legislation, so it sent the Bureau a resolution in 2014 urging the Bureau to tabulate incarcerated persons at their home addresses. <i>See</i> The Massachusetts General Court Resolution "Urging the Census Bureau to Provide Redistricting Data that Counts Prisoners in a Manner Consistent with the Principles of 'One Person, One Vote'" (Adopted by the Senate on July 31, 2014 and the House of Representatives on August 14, 2014).</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations. Arkansas Voices for the Children Left Behind previously called upon the Census Bureau to change its practice back in February 2013, and we are glad to see that the Bureau is taking a step forward to count everyone in the right and most accurate place. Because Arkansas Voices for Children Left Behind believes in a population count that accurately represents communities — especially those hardest hit by incarceration — we urge you to count incarcerated people as residents of their home address.</p>
c157	<p>Justice For Families (J4F) submits this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). Our organization and members urge you to count those that are incarcerated at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>J4F is a national organization that was created by families, for families that have been impacted by the criminal justice system and incarceration. We have nearly 3000 families in 38 states and the District of Columbia. As families that remain behind when our loved ones are incarcerated, we understand and live with the consequences of unequal representation in the Census data. The majority of our families live in poor communities of color that have little to no say in their local and state government, thus making an already vulnerable community even more vulnerable. Our families' experiences have proven time and again that the best solutions to community problems come from the impacted community. When the community is denied accurate representation in the Census data, their solutions and voices go unheard while the voices of those who have no stake and little understanding of the community are given greater value and power.</p> <p>As you know, American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the growth in the prison population requires the Census to update its methodology again.</p> <p>The need for change in the "usual residence" rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the nation's incarcerated population has more than quadrupled to over two million people. The manner in which this population is counted now has huge implications for the accuracy of the Census.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. In Illinois, for example, 60% of incarcerated people have their home residences in Cook County (Chicago), yet the Bureau counted 99% of them as if they resided outside Cook County.</p>

	<p>When this data is used for redistricting, prisons artificially inflate the political power of the areas where the prisons are located. In New York after the 2000 Census, for example, seven state senate districts only met population requirements because the Census counted incarcerated people as if they were upstate residents. For this reason, New York State passed legislation to adjust the population data after the 2010 Census to count incarcerated people at home for redistricting purposes.</p> <p>New York State is not the only jurisdiction taking action. Three other states (California, Delaware, and Maryland) are taking a similar state-wide approach, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts.</p> <p>But this ad hoc approach is neither efficient nor universally implementable. The Massachusetts legislature, for example, concluded that the state constitution did not allow it to pass similar legislation, so it sent the Bureau a resolution in 2014 urging the Bureau to tabulate incarcerated persons at their home addresses. <i>See</i> The Massachusetts General Court Resolution "Urging the Census Bureau to Provide Redistricting Data that Counts Prisoners in a Manner Consistent with the Principles of 'One Person, One Vote'" (Adopted by the Senate on July 31, 2014 and the House of Representatives on August 14, 2014).</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because J4F believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home address.</p>
c158	<p>As the _____ and _____ of AmericanTribune.org, please count our voice in favor of counting prisoners at their home addresses.</p> <p>As a former prisoner myself, I'm aware that every prisoner has his/her home address listed in their personnel files.</p> <p>Prisons, prison staff and the respective communities in which they may be temporally housed all expect that prisoners will return to their own respective communities. The courts and parole/probation departments expect and anticipate that eventuality. If the prisoner should change his/her "home address," then that is vetted and approved by this latter authority and their new home residence so listed.</p> <p>As a rule, most if not all "prison communities" have passed local ordinances that REQUIRE prisoners, not already members of those respective communities, <u>to vacate the area within a certain time period upon release</u> (usually 2-hrs-or-so) under penalty of law.</p> <p>Prisoners are routinely advised of this ordinance by prison staff and given a certain minimal stipend and a bus ticket to accomplish that purpose. They are usually not simply released directly from their respective institution, but are driven to such transportation within a certain time constraint to effect their passage from the community. Home/friend pick-ups from the institution is discouraged if not prohibited.</p> <p>As with college students and others, it only makes accurate and reasonable sense to count prisoners from their listed home commitment/address for any proper home census to be accurate.</p> <p>Thank you for this opportunity to speak to this issue.</p>
c159	<p>Ex-Prisoners and Prisoners Organizing for Community Advancement (EPOCA) submits this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). We urge you to count incarcerated people in their home districts, rather than in districts where they are temporarily incarcerated, and are often barred by state law from voting.</p> <p>We are ex-prisoners and current prisoners, along with allies, friends and family, working together to create resources and opportunities for those who have paid their debt to society. We believe that social change can only be led by the people who most need the change. Therefore, those of us who have the least advantage, the least power within the traditional system, have to work together to change the situation ourselves. And as such we are particularly impacted and troubled by the Census Bureau's interpretation of the residence rule. Counting incarcerated people as if they were residents of the prison locations rather than residents of their communities hurts our democracy and further disempowers our communities.</p>

	<p>EPOCA believes that a population count that accurately represents communities is a prerequisite to equal representation, and so we urge you to count incarcerated people as residents of their home addresses.</p> <p>The need for change in the "usual residence" rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the number of incarcerated people as more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census.</p> <p>In Massachusetts, there are currently four districts that meet federal minimum population requirements only because the Bureau counted correctional facilities' populations as if the people incarcerated there were actual residents of those districts. So the 8th Plymouth, 37th Middlesex, 7th Middlesex, and 12th Worcester districts each have actual resident populations that are 5.6% to 7.4% smaller than the ideal district size.</p> <p>While some states have been able to address the problem to some extent on their own, our legislature ran into a complication with the state constitution, and so passed a resolution calling on the Bureau to solve the problem instead.</p> <p>We echo their call and urge you to count incarcerated people at home.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities.</p>
c160	<p>I represent the _____ district of _____ and submit this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). I urge you to count incarcerated people at their home address, rather than at the particular facility that they are located at on Census day.</p> <p>As an elected representative, I am keenly aware that democracy, at its core, rests on equal representation. And equal representation, in turn, rests on an accurate count of the nation's population.</p> <p>As you know, American demographics and living situations have changed drastically in the 225 years since the first Census, which has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the growth in the prison population requires the Census to update its methodology once again.</p> <p>The need for change in the "usual residence" rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S totaled less than half a million. But since then, the number of incarcerated people has more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. In Massachusetts, law already states that a prison cell is not a residence. The city of Gardner had to choose in 2001 whether or not to give residents who lived in a close proximity to the state prison extra impact on city affairs or deny the inaccurate Census counts. The source of this information can be located at http://www.prisonersofthecensus.org/50states/, along with examples from other states affected by prison gerrymandering.</p>

	<p>Currently, four states (California, Delaware, Maryland, and New York) are taking a state-wide approach to adjust to the Census' population totals to count incarcerated people at home. Over 200 counties and municipalities all individually have to adjust population data to avoid prison gerrymandering when drawing their local government districts.</p> <p>But this ad hoc approach is neither efficient nor universality implementable. It makes far more sense for the Bureau to provide accurate redistricting data in the first place, rather than leaving it up to each state to have to adjust the Census' data to count incarcerated people in their home district.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because democracy relies on a population count that accurately represents communities, I encourage you to count incarcerated people as residents of their home address.</p>
c161	<p>We write to submit our comments in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). We urge the Census Bureau to count incarcerated people at their permanent home of record address rather than at their place of incarceration for the 2020 Decennial Census.</p> <p>During the last redistricting cycle, the Special Joint Committee on Redistricting received a tremendous amount of testimony and advice on the issue of group quarters and the counting of prisoners at their last place of residence rather than where they are incarcerated. It was pointed out to the Committee that prisons are frequently located in areas geographically and demographically removed from the home communities of incarcerated persons. By counting prisoners at their place of incarceration, rather than the legal address of the person prior to incarceration, the relative strength of votes by residents in that district are inflated at the expense of voters in all other districts in the Commonwealth. The Massachusetts legislature, acting on this testimony and a recommendation by the Committee, sent to the Director of the Census Bureau on August 14, 2014 a resolution urging that the next Census "counts incarcerated persons at their residential address rather than the address of the correctional institution where they are temporarily located".</p> <p>The U.S. Census continued use of the "usual place of residence" rather than a "legal residence" when counting prison populations means individual states and localities are required to produce their own methodologies for counting prisoners. Currently, California, Delaware, Maryland, and New York take a state-wide approach to adjust the Census' population totals to count incarcerated people at home address. As you may know, the approaches used by Maryland and New York were challenged in court. Other states may face issues such as we do in Massachusetts where the state Constitution dictates that the federal census be the basis for determining our representative, senatorial, and councillor districts. The question becomes how the counting of prisoners can be handled in the future? We believe that the likelihood of continued uncertainty on the appropriate enumeration of prisoners may result in further litigation on this matter as long as states unilaterally attempt to tailor U.S. Census figures to meet local needs. The most expedient and streamlined avenue for changing the method for counting prison populations lies with the Census Bureau changing their prisoner residence rule procedure. This would provide a systematic and consistent tabulation approach for calculating Congressional re-apportionment and one that is uniform for redistricting in all 50 states. Such a change on the federal level will rectify the perceived inequalities in counting prisoners and eliminate costly litigation for states to defend redistricting plans based on adjusting local prison populations.</p> <p>Accordingly, we urge you to change Census Bureau policy to count incarcerated people as residents of their home address, rather than at the place of their incarceration.</p> <p style="text-align: center;"><i>The Massachusetts General Court Resolutions</i></p>

**URGING THE CENSUS BUREAU TO PROVIDE REDISTRICTING DATA THAT COUNTS PRISONERS
IN A MANNER CONSISTENT WITH THE PRINCIPLES OF "ONE PERSON, ONE VOTE".**

WHEREAS, OBTAINING AN ACCURATE COUNT OF THE POPULATION IS SO VITAL TO REPRESENTATIVE DEMOCRACY THAT THE FRAMERS OF THE UNITED STATES CONSTITUTION ADDRESS THE ISSUE OF THE CENSUS AND APPORTIONMENT IN THE OPENING PARAGRAPHS OF THE CONSTITUTION; AND

WHEREAS, THE MASSACHUSETTS CONSTITUTION REQUIRES THAT FEDERAL CENSUS DATA BE THE BASIS FOR STATE REDISTRICTING; AND

WHEREAS, THE CENSUS BUREAU CURRENTLY HAS A POLICY OF COUNTING INCARCERATED PEOPLE AT THE ADDRESS OF THE CORRECTIONAL INSTITUTION, EVEN THOUGH FOR OTHER LEGAL PURPOSES THEIR HOME ADDRESS REMAINS THEIR LEGAL RESIDENCE; AND

WHEREAS, THIS CENSUS DATA RESULTS IN DISTORTIONS OF THE ONE-PERSON, ONE-VOTE PRINCIPLE IN DRAWING ELECTORAL DISTRICTS IN MASSACHUSETTS, DILUTING THE REPRESENTATION OF THE MAJORITY OF DISTRICTS THAT DO NOT CONTAIN PRISONS; AND

WHEREAS, THE SIMPLEST SOLUTION TO THE CONFLICT BETWEEN FEDERAL CONSTITUTIONAL REQUIREMENTS OF "ONE PERSON, ONE VOTE" AND MASSACHUSETTS CONSTITUTIONAL REQUIREMENTS OF USING THE FEDERAL CENSUS IS FOR THE CENSUS BUREAU TO PUBLISH REDISTRICTING DATA BASED ON THE LOCATION OF AN INCARCERATED PERSON'S RESIDENCE, NOT PRISON LOCATION; AND

WHEREAS, THE CENSUS BUREAU HAS ALREADY RECOGNIZED THE DEMAND FROM STATES AND COUNTIES FOR DATA THAT BETTER REFLECTS THEIR ACTUAL POPULATIONS, AND HAS AGREED TO RELEASE DATA ON PRISON POPULATIONS TO STATES IN TIME FOR REDISTRICTING, ENABLING SOME STATES TO INDIVIDUALLY ADJUST THE POPULATION DATA USED FOR REDISTRICTING; AND

WHEREAS, PUBLIC LAW 94-171 REQUIRES THE CENSUS BUREAU TO WORK WITH STATES TO PROVIDE GEOGRAPHICALLY RELEVANT DATA AND THE CENSUS BUREAU HAS BEEN RESPONSIVE TO STATE'S DATA NEEDS FOR THE PAST 3 DECADES; NOW THEREFORE BE IT

RESOLVED, THAT THE MASSACHUSETTS GENERAL COURT HEREBY URGES THE CENSUS BUREAU, IN THE NEXT CENSUS AND THEREAFTER, TO PROVIDE STATES WITH REDISTRICTING DATA THAT COUNTS INCARCERATED PERSONS AT THEIR RESIDENTIAL ADDRESS, RATHER THAN THE ADDRESS OF THE CORRECTIONAL INSTITUTION WHERE THEY ARE TEMPORARILY LOCATED; AND BE IT FURTHER

RESOLVED, THAT A COPY OF THESE RESOLUTIONS BE TRANSMITTED FORTHWITH BY THE CLERK OF THE SENATE TO THE DIRECTOR OF THE CENSUS BUREAU.

c162

I am writing in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). I urge you and your colleagues at Census to count incarcerated people at their home address, rather than at the particular facility in which they happen to be located on Census day.

I am a Professor of Law at the University of Michigan Law School, and my work focuses on criminal law and criminal justice policy. I am also an empirical economist. I use data in my work, and I know how important data can be, both in arriving at truth and in helping us understand the world. It also affects the world, as you well know. Counting incarcerated people in the wrong place inflates the

political power of people who live near prisons, when those counts are used for redistricting or other purposes. As you can imagine, this practice has serious repercussions for state legislative decisions that impact incarceration, but also it can have a huge impact on representational equality in the small communities that host the facilities.

I'm pleased to note that Michigan has been at the forefront of how to deal with such population quirks. In our state, cities and counties are required to adjust their redistricting data to exclude people in state institutions who are not residents of the county or city where the facility is located. (Mich. Comp. Laws Ann. §§ 117.27a(1)(5) and 46.404(g), respectively.) Essentially, localities are forbidden from engaging what is now commonly termed "prison gerrymandering" (though these statutes date back to the 1960s). At the same time, the state clearly views Census data as generally the best data to use for redistricting; the same statutes identify the "latest official published figures of the United States official census" as the default source of data, but then creates an exemption for cases where the Bureau's data falls short of Michigan's standards of accuracy (such as counting incarcerated people in the wrong place).

I believe that a strong democracy and fair criminal justice policy depend on a population count that accurately represents all communities. Accordingly, I urge you to count incarcerated people as residents in the jurisdiction of their home address. Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place.

c163

I am writing concerning Federal Register Notice [Docket Number 150409353-5353.01] requesting comments regarding the 2020 Decennial Census Residence Rule and Residence Situations.

I wish to begin by saying that these residence rules, developed through the Bureau's extensive experience through many decennial censuses, should remain as they are stated in the above referenced notice.

I am particularly concerned about proposals to adjust group quarters residence rules for those incarcerated in prisons. The primary rule governing decennial census counts is that the enumeration should represent a "snapshot" of where persons are residing on Census Day, not where they formerly resided.

Such adjustments will only open the door to further manipulation of the census counts to suit the sociological and political goals of persons proposing such rule changes.

Furthermore, these changes could embroil the Bureau in political conflicts and decrease the confidence of the American public in the neutrality of the decennial census process. It could also decrease the participation rate in the enumeration.

The Decennial Census process is becoming increasingly difficult and expensive to administer. Prison adjustment is a very complex process and will only add to the expense and timely completion of the enumeration. The Bureau should concentrate its resources on a full and accurate count, and avoid such complex diversions.

Initiating such an arbitrary and expensive modification to the census residence rules could also endanger the Bureau's appropriations, if the Bureau has money for doing prison adjustment, maybe they need less funding.

It is also possible that these adjustments could alter the numbers determining the reapportionment of the seats of the U. S. House among the States, bring on unnecessary litigation.

The experience of the three states which engaged in prison adjustment following the 2010 Decennial Census process (New York, Maryland and Delaware) demonstrated that the procedures used yielded questionable results and, in some cases allocating inmate counts to general,

	<p>rather that specific locations due to lack of sufficient information.</p> <p>It is also notable that the three states which engaged in prison adjustment in 2011 are Democrat-controlled states, and this adjustment would not have been done were it not advantageous to the party in power. Once again, the Bureau should not act as an agent for increasing partisan advantage.</p> <p>There is also a lack of thorough nationwide studies by neutral entities which analyze the affect of prison adjustment on the redistricting process in all of the different States. It is possible that these adjustments could adversely affect the redistricting process for minority districts. Particularly in rural areas were minority districts may be drawn.</p> <p>Another issue is that if group quarters residence rules are modified to remove individual counts from the group quarters for prisoner enumeration to disperse these counts throughout each state, then why not perform the same adjustments on other group quarters, such as college dorms and nursing homes.</p> <p>Also, the Bureau will have to deal with the issue that adjustment of individual counts for group quarter, from where they resided on Census Day to their former residence, may involve moving these counts to other states.</p> <p>Because of the expense and complexity of initiating this process on a nationwide basis, I believe such adjustments should be left up to the individual states, and not be imposed by the Federal Government.</p> <p>For these reasons, I oppose changes to the residence rules stated in the Federal Register notice, and urge the Bureau to readopt the previous rules.</p>
c164	<p>I am writing concerning Federal Register Notice [Docket Number 150409353-5353-01] requesting comments regarding the 2020 Decennial Census Residence Rule and Residence Situations.</p> <p>I believe such adjustments should be left up to the individual states, and not be imposed by the Federal Government. I adamantly oppose changes to the residence rules stated in the Federal Register notice. Please urge the Bureau to re-adopt the previous rules.</p>
c165	<p>I serve as a Representative in the _____ Legislature, representing residents of _____, which includes a large incarcerated population in a county House of Correction, and I submit this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). I urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>As an elected representative, I am keenly aware that democracy, at its core, rests on equal representation. And equal representation, in tum, rests on an accurate count of the nation's population.</p> <p>As you know, American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the growth in the prison population requires the Census to update its methodology again.</p> <p>The need for change in the "usual residence" rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the number of incarcerated people as more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census.</p>

	<p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people.</p> <p>This problem is hardly limited to our state; and currently, four states (California, Delaware, Maryland, and New York) are taking a state-wide approach to adjust the Census' population totals to count incarcerated people at home, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts.</p> <p>But this ad hoc approach is neither efficient nor universally implementable. In Massachusetts, for example, we concluded that the state constitution did not allow us to pass similar legislation, so we sent the Bureau a resolution in 2014 urging the Bureau to tabulate incarcerated persons at their home addresses. <i>See</i> The Massachusetts General Court Resolution "Urging the Census Bureau to Provide Redistricting Data that Counts Prisoners in a Manner Consistent with the Principles of 'One Person, One Vote'" (Adopted by the Senate on July 31, 2014 and the House of Representatives on August 14, 2014).</p> <p>And even if we could solve the problem ourselves, it makes far more sense for the Bureau to provide accurate redistricting data in the first place, rather than leaving it up to each state to have to adjust the Census' data to count incarcerated people in their home district.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because democracy relies on a population count that accurately represents communities, I urge you to count incarcerated people as residents of their home address.</p>
c166	<p>I represent the ____ District, ____ and I submit this comment in response to the Census Bureau's federal register notice regarding the Resident Rule and Residence Situations, 80 FR 28950 (May 20, 2015). I urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>As an elected representative, I am keenly aware that democracy, at its core, rests on equal representation. And equal representation, in turn, rests on an accurate count of the nation's population. In Massachusetts incarcerated individuals who are allowed to vote are required to vote by absentee ballot, thus have never been allowed to vote in the town or city where the incarcerated individual is housed. Many of these municipalities' already received special tax privileges; they should not also, receive special political favors by the federal government through the Census Bureau.</p> <p>The need for change in the "usual residence" rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S totaled less than half a million. But since then, the number of incarcerated people as more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census.</p> <p>By designating a prison cell as a resident in the 2010 Census, the Census Bureau concentrated a population that is disproportionately males, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people.</p> <p>Impacts at the state level include but are not limited to the following:</p> <ul style="list-style-type: none"> • Without using prison populations as padding, 5 Massachusetts House districts drawn after the 2000 Census did not meet constitutional population requirements.

- For example, each House district in Massachusetts should have had 39,682 residents. The 3rd Suffolk District, which claimed the population of the Suffolk County House of Corrections, however, had only 36,428 actual residents. This means that the actual population of the district was 8.2% smaller than the average district in the state.
- Crediting all of Massachusetts' incarcerated people to a few locations, far from home, enhances the political clout of the people who live near prisons, while diluting voting power of all other Bay Staters.

Impacts at the local level include but are not limited to the following:

- Some cities grapple with the Census Bureau prison counts that threaten to distort voting rights. Cities, for example, must also draw city council districts based on population. But because these council districts are so much smaller than state legislative districts, a single large prison can have a huge effect.

Currently, four states (California, Delaware, Maryland, New York) are taking a state-wide approach to adjust the Census' population totals that is to count incarcerated people at home, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts.

But this ad hoc approach is neither efficient nor universality implementable. It makes far more sense for the Bureau to provide accurate redistricting data in the first place, rather than leaving it up to each state to have to adjust the Census' data to count incarcerated people in their home district.

Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because Democracy relies on a population count that accurately represents communities, I urge you to count incarcerated people as residents of their home address.

I would like to thank you in advance for your kind consideration on this matter.

c167

I am writing concerning Federal Register Notice [Docket Number 150409353-5353-01] requesting comments regarding the 2020 Decennial Census Residence Rule and Residence Situations.

I wish to begin by saying that these residence rules, developed through the Bureau's extensive experience through many decennial censuses, should remain as they are stated in the above referenced notice.

I am particularly concerned about proposals to adjust group quarters residence rules for those incarcerated in prisons. The primary rule governing decennial census counts is that the enumeration should represent a "snapshot" of where persons are residing on Census Day, not where they formerly resided.

Such adjustments will only open the door to further manipulation of the census counts to suit the sociological and political goals of persons proposing such rule changes.

Furthermore, these changes could embroil the Bureau in political conflicts and decrease the confidence of the American public in the neutrality of the decennial census process. It could also decrease the participation rate in the enumeration.

	<p>The Decennial Census process is becoming increasingly difficult and expensive to administer. Prison adjustment is a very complex process and will only add to the expense and timely completion of the enumeration. The Bureau should concentrate its resources on a full and accurate count, and avoid such complex diversions.</p> <p>Initiating such an arbitrary and expenses modification to the census residence rules could also endanger the Bureau's appropriations. If the Bureau has money for doing prison adjustment, maybe they need less funding.</p> <p>It is also possible that these adjustments could alter the numbers determining the reapportionment of the seats of the U. S. House among the States, bring on unnecessary litigation.</p> <p>The experience of the three states which engaged in prison adjustment following the 2010 Decennial Census process (New York, Maryland and Delaware) demonstrated that the procedures used yielded questionable results and, in some cases allocating inmate counts to general, rather than specific locations due to lack of sufficient information.</p> <p>It is also notable that the three states which engaged in prison adjustment in 2011 are Democrat- controlled states, and this adjustment would not have been done were it not advantageous to the party in power. Once again, the Bureau should not act as an agent for increasing partisan advantage.</p> <p>There is also a lack of thorough nationwide studies by neutral entities which analyze the affect of prison adjustment on the redistricting process in all of the different States. It is possible that these adjustments could adversely affect the redistricting process for minority districts. Particularly in rural areas where minority districts may be drawn.</p> <p>Another issue is that if group quarters residence rules are modified to remove individual counts from the group quarters for prisoner enumeration to disperse these counts throughout each state, then why not perform the same adjustments on other group quarters, such as college dorms and nursing homes.</p> <p>Also, the Bureau will have to deal with the issue that adjustment of individual counts for group quarter, from where they resided on Census Day to their former residence, may involve moving these counts to other states.</p> <p>Because of the expense and complexity of initiating this process on a nationwide basis, I believe such adjustments should be left up to the individual states, and not be imposed by the Federal Government.</p> <p>For these reasons, I oppose changes to the residence rules stated in the Federal Register notice, and urge the Bureau to readopt the previous rules.</p>
c168	<p>Democracy North Carolina submits this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). We urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>We are interested in ending prison gerrymandering because our mission is to achieve a government that is truly of the people, by the people, and for the people. By violating the constitutional principle of "one person, one vote," prison gerrymandering stands in the way of our mission.</p> <p>As you know, American demographics and living situations have changed dramatically in the 225 years since the first Census, and the</p>

	<p>Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the growth in the prison population requires the Census to update its methodology again.</p> <p>The need for change in the "usual residence" rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the number of incarcerated people has more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census and for the political representation of residents of urban areas of North Carolina.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. In North Carolina, after the 2000 Census, seven residents of Anson County's District 6 — where a prison is located — had as much influence as <i>ten</i> residents of any of Anson County's other districts. Anson County did not redistrict after the 2010 Census so this problem still persists.</p> <p>Currently, four states (California, Delaware, Maryland, and New York) are taking a state- wide approach to adjust the Census' population totals to count incarcerated people at home, and over 200 counties and municipalities adjust population data to avoid prison gerrymandering when drawing their local government districts.</p> <p>But this ad hoc approach is inefficient. For example, even though North Carolina state law says a prison cell is not a residence, that policy is not integrated into redistricting decisions at the state or local level. Public officials in Caswell County and Columbus County, two rural counties with significant prison populations, had to take extra steps to specifically avoid prison gerrymandering.</p> <p>Along with other organizations, we previously called upon the Census Bureau to change its practice of counting incarcerated people in February 2013, and we once again urge you to count incarcerated people as residents of their home address.</p> <p>We thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities.</p>
c169	<p>Neighbor to Neighbor submits this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). We urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>Neighbor to Neighbor is a membership organization comprised of low-income, working class, and people of color. We are dedicated to achieving economic and environmental justice. We build the power of our members through issue and electoral organizing. We operate chapters in Lynn, Worcester, Springfield and Holyoke, where poverty and unemployment rates are high. Many of our members and their families have and continue to be deeply affected by the issue of mass incarceration. Given the challenges our members face coupled with our focus on civic engagements, we have a particular concern in ending prison gerrymandering and ensuring equal representation.</p> <p>As you know, American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the growth in the prison population requires the Census to update its methodology again.</p> <p>The need for change in the "usual residence" rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the number of incarcerated</p>

	<p>people as more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. In Massachusetts, this resulted in roughly 10,000 people counted at their facility location rather than their actual home, which is their legal address for other purposes.</p> <p>Currently, four states (California, Delaware, Maryland, and New York) are taking a state-wide approach to adjust the Census' population totals to count incarcerated people at home, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts.</p> <p>But this ad hoc approach is neither efficient nor universality implementable. The Massachusetts legislature, for example, concluded that the state constitution did not allow it to pass similar legislation, so it sent the Bureau a resolution in 2014 urging the Bureau to tabulate incarcerated persons at their home addresses. <i>See</i> The Massachusetts General Court Resolution “Urging the Census Bureau to Provide Redistricting Data that Counts Prisoners in a Manner Consistent with the Principles of ‘One Person, One Vote’” (Adopted by the Senate on July 31, 2014 and the House of Representatives on August 14, 2014).</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because Neighbor to Neighbor believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home address.</p>
c170	<p>I submit this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). I urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be imprisoned at on Census day.</p> <p>My son is incarcerated in Texas, and I am a member of the Mothers of Incarcerated Sons Society, a support group for families of incarcerated individuals.</p> <p>As you know, American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the growth in the prison population requires the Census to update its methodology again.</p> <p>The need for change in the "usual residence" rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the number of incarcerated people has more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. In Rhode Island, this practice has a disproportionate effect on African-American and Latino communities since African-Americans are incarcerated at a rate almost nine times as much as Whites are. The incarceration rate for Latinos in Rhode Island is three times higher than that for Whites.</p>

	<p>Currently, four states (California, Delaware, Maryland, and New York) are taking a state-wide approach to adjust the Census' population totals to count incarcerated people at home and avoid prison gerrymandering, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts.</p> <p>Unfortunately, this is not the case in Rhode Island. Even though Rhode Island law states that a prison cell is not a residence, incarcerated people are included in population counts for redistricting. This is worrisome because currently, all of the state's prisons are clustered in Cranston.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations. I am glad to see that the Bureau is taking a step forward to count everyone in the right and most accurate place. I believe that the Census should accurately represent communities, and therefore I urge you to count incarcerated people as residents of their home address.</p>
<p>c171-247</p> <p><i>Note: Comment submissions 171-247 were sent as a group and are identical except for the name of the sender.</i></p>	<p>In Christian County, Kentucky we take great pride in our continued relationship with Fort Campbell. We strive to provide a community where soldiers and their families always feel welcome; never taking for granted the hard work, dedication and sacrifice that our military families make for our country. Fort Campbell is home to the Army's most deployed contingency forces. As a community, we embrace the cycles of deployment and ensure our military members and their families receive access to high quality services and programs.</p> <p>We take pride in serving those that serve our country. It is important that our service members are included as part of this community in the census. This once a decade head count sets a baseline population upon which annual estimates are based for the next ten years. Many federal and state assistance programs use formulas based on the decennial census or derivatives from the decennial census data. With the current methodology, the communities in which these service members reside prior to deployment are deprived of potentially large sums of federal and state funding; funding that is used to benefit the community including the service members and their families.</p> <p>By using the last duty station to count deployed service members the 2020 Census data will depict a more accurate representation of where the deployed service members live prior to deployment and in return allow the communities where these service members live access to more funding to provide services and programs for the military members and their dependents during the following ten year period.</p> <p>Thank you for consideration of this request.</p>
<p>c248</p>	<p>Common Cause Florida submits this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). Common Cause Florida urges you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>Ensuring that redistricting is impartial and that legislative lines are drawn in a fair and transparent way is part of our core mission to promote civic engagement and accountability in government. So is ensuring that every eligible American's vote is counted fairly. Counting incarcerated persons as residents of the district in which they are temporarily held has the effect of unfairly enhancing the political power of those who live and vote in the prison district while unfairly diluting the votes of those in districts without prisons. Legislators with a prison in their district should not get a bonus for keeping the prison full. This dynamic hurts our democracy. And it hurts the communities from which these incarcerated persons hail.</p> <p>As you know, American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the explosion in the prison population requires the Census to update its methodology again. A fair redistricting process not only involves complying with the federal law of "one person, one vote" but also with the federal Voting Rights Acts of 1965 which protects minority communities' opportunities "to participate in the political process and to elect representatives of their choice."</p>

The need for change in the “usual residence” rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the number of incarcerated people has more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census. In Florida, the growth of the prison population in recent decades has been enormous. In 2000, there were 71,616¹ individuals incarcerated by the Florida Department of Corrections, whereas today there are just over 102,000² individuals incarcerated, an increase of 42.4%. In that same time period, Florida's population grew by only 17.6%.³

Because of the rise in incarceration rates, the practice of allocating incarcerated persons to prison districts substantially skews redistricting. This is especially true because prisons are frequently located in areas geographically and demographically removed from the home communities of incarcerated persons.

An example of this skewed redistricting can be found in Florida's House District 10. After the 2000 Census, the ideal population for each State House district in Florida was 133,186 residents. But more than 7% of House District 10 is incarcerated disenfranchised people from other parts of the state, which makes the population of House District 10 really about 7% smaller than the ideal district size. This means that every 93 people in House District 10 have as much voting power and representation as 100 people elsewhere in the state. Similar distortions can be found in House Districts 12, 5 and 7. Ultimately, everyone in Florida who does not live in a district that contains a prison has their voting strength and representation diluted in the Florida State Legislature as compared to districts that are padded with a prison population.

The distortion is even greater at the local level. In the Calhoun County Board of County Commissioners, for example, 48% of the people in District 4 are incarcerated at the Calhoun Correctional Institution. As a result, the actual residents of District 4 are given almost twice as much political clout as people elsewhere in the county. Significant distortion of voting power also occurs in several other counties, including Baker, Hardee, Jefferson, and Wakulla Counties.

A handful of Florida counties proactively reject prison-based gerrymandering and base their county districts on actual residents instead of prison populations. Gulf County is one such county that already bases its districts on actual populations, not prison populations, by excluding the prison population from its redistricting data for purposes of local redistricting. Although the Florida Attorney General issued an opinion stating that Gulf County must include prison populations when drawing its county districts, the county ignored this advice in favor of drawing districts based on the constitutional and democratic principle of “one person, one vote.” Columbia, Hamilton, Holmes, and Madison Counties also base their county districts on actual residents and exclude prison populations.

Currently, four states (California, Delaware, Maryland, and New York) have taken a state-wide approach to adjust the Census' population totals to count incarcerated people at home, and over 200 counties and municipalities individually adjust population data to avoid prison gerrymandering when drawing their local government districts.

This ad hoc approach in a few states, counties, and municipalities is neither efficient nor universality implementable. If the Census Bureau would change its practice of counting incarcerated individuals at their home address rather than at the prison location, it would significantly alleviate the burden on state and local agencies and provide an efficient solution to greatly improve the fairness of apportionment and representation for millions of Americans. As you well know, states across the country look to the Census Bureau as the nation's foremost expert on national demographics and data, and more often than not count incarcerated persons the way the Bureau does. Once the Bureau leads the way with an update to a now outdated practice, states are sure to follow.

	<p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations; we appreciate the Bureau's aim to count everyone in the right place in keeping with changes in society and population realities. Because Common Cause Florida believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their last-known home addresses.</p> <p>¹ Prison Populations on June 30, 2000, Prison Policy Initiative, available at http://www.prisonersofthecensus.org/resources/prisons2000.html.</p> <p>² About the Florida Department of Corrections, Florida Department of Corrections, available at http://www.dc.state.fl.us/about.html; Trends in Admission Populations May 2011, Florida Department of Corrections, available at http://www.dc.state.fl.us/pub/pop/monthly/index.html.</p> <p>³ Florida By the Numbers, Florida House of Representatives Redistricting Committee, available at http://censusvalidator.blob.core.windows.net/mydistrictbuilderdata/Public%20Participation/Redistricting_-_By_the_Numbers.pdf.</p>
c249	<p>Common Cause in Wisconsin submits this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). Common Cause Wisconsin urges you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>Ensuring that redistricting is impartial and that legislative lines are drawn in a fair and transparent way is part of our core mission to promote civic engagement and accountability in government. So is ensuring that every eligible American's vote is counted fairly. Counting incarcerated persons as residents of the district in which they are temporarily held has the effect of unfairly enhancing the political power of those who live and vote in the prison district while unfairly diluting the votes of those in districts without prisons. Legislators with a prison in their district should not get a bonus for keeping the prison full. This dynamic hurts our democracy. And it hurts the communities from which these incarcerated persons hail.</p> <p>As you know, American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the explosion in the prison population requires the Census to update its methodology again. A fair redistricting process not only involves complying with the federal law of “one person, one vote” but also with the federal Voting Rights Acts of 1965 which protects minority communities' opportunities “to participate in the political process and to elect representatives of their choice.”</p> <p>The need for change in the “usual residence” rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the number of incarcerated people has more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census.</p> <p>Currently, four states (California, Delaware, Maryland, and New York) have taken a state-wide approach to adjust the Census' population totals to count incarcerated people at home, and over 200 counties and municipalities individually adjust population data to avoid prison gerrymandering when drawing their local government districts. This is the direction all states should follow.</p> <p>Wisconsin, though, continues to count incarcerated persons the way the Census Bureau does. In 2011, the legislature used 5,583 incarcerated people to pad out the population of District 53. Without the incarcerated populations, the district is 10% below the required size. This gives every 90 residents of the 53rd district the same influence as 100 residents of any other district in the state.</p> <p>Not only do the Census Bureau's methods skew our district populations, but they also paint a flawed picture of their demographic makeup. District 53, for example, seems to have a large African-American population, larger than 74 other districts. But of the 2,784 African-Americans in the district, all but 590 are incarcerated. The day the people incarcerated in the district are allowed to vote again,</p>

	<p>they will be on a bus, heading back to their home districts. The Census counts the prison districts' incarcerated populations as if they resided there even though they are not a part of this district and never will be – they don't use the roads, visit the libraries, enjoy the state's public education, or walk through the parks. For all purposes, they simply do not reside in these districts.</p> <p>But even these examples are nearly unremarkable compared to the dramatic vote distortions that people face in their local governments. For example, 80% of a district in Juneau County is incarcerated. This gives every 20 residents of that district the same voting power as 100 residents of any other ward. To say that this is unfair would be an understatement. Yet Juneau is hardly the only county significantly affected; 75% of District 2 in Waupun County is incarcerated, 62% of Adams County's Districts 13 and 5 are incarcerated, 53% of a district in Juneau City is incarcerated, and 51% of Jackson County's District 12 is incarcerated, to name a few.</p> <p>Nevertheless, there 6 cities and counties rejected the Census Bureau's prison counts, successfully adjusting their redistricting population to create fair districts.</p> <p>This ad hoc approach is neither efficient nor universality implementable. If the Census Bureau would change its practice of counting incarcerated individuals at their home address rather than at the prison location, it would significantly alleviate the burden on state and local agencies and provide an efficient solution to greatly improve the fairness of apportionment and representation for millions of Americans. As you well know, states across the country look to the Census Bureau as the nation's foremost expert on national demographics and data, and more often than not count incarcerated persons the way the Bureau does. Once the Bureau leads the way with an update to a now outdated practice, states are sure to follow.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations; we appreciate the Bureau's aim to count everyone in the right place in keeping with changes in society and population realities. Because Common Cause Wisconsin believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their last-known home addresses.</p>
c250	<p>The Texas Criminal Justice Coalition submits this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). The Texas Criminal Justice Coalition urges you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. When this data is used for redistricting, prisons inflate the political power of those people who live near them.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because the Texas Criminal Justice Coalition believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home address.</p>
c251	<p>I submit this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). I urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be imprisoned at on Census day.</p> <p>As you know, American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the growth in the prison population requires the Census to update its methodology again.</p>

	<p>The need for change in the "usual residence" rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the number of incarcerated people has more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census.</p> <p>As a volunteer for the Alternatives to Violence Project and someone who has facilitated workshops in a handful of California state prisons, I know that California prisons are often located far away from the home communities of incarcerated people. Fortunately, California is one of the states that have ended prison gerrymandering, and there are over 200 counties and municipalities that have also individually adjusted their population data to avoid prison gerrymandering.</p> <p>But, nationally, by designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. In California, African-Americans are incarcerated at a rate almost seven times as much as whites are.</p> <p>Further, it is not always possible for states to end prison gerrymandering on their own. The Massachusetts legislature, for example, concluded that the state constitution did not allow it to pass similar legislation, so it sent the Bureau a resolution in 2014 urging the Bureau to tabulate incarcerated persons at their home addresses. <i>See</i> The Massachusetts General Court Resolution "Urging the Census Bureau to Provide Redistricting Data that Counts Prisoners in a Manner Consistent with the Principles of 'One Person, One Vote'" (Adopted by the Senate on July 31, 2014 and the House of Representatives on August 14, 2014).</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations. I am glad to see that the Bureau is taking a step forward to count everyone in the right and most accurate place. I believe that the Census should accurately represent communities, and therefore I urge you to count incarcerated people as residents of their home address.</p>
c252	<p>I am a former member of the Vermont House of Representatives (2008-2014) and currently _____ of Vermonters for Criminal Justice Reform, and I submit this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). I urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census Day.</p> <p>From my years of experience serving as an elected representative, I am keenly aware that democracy, at its core, rests on equal representation. And equal representation, in turn, rests on an accurate count of the nation's population. And in my work with Vermonters for Criminal Justice Reform I see the results of how a malapportioned legislative system creates and perpetuates unjust laws.</p> <p>As you know, American demographics and living situations have changed drastically in the 225 years since the first census, and the census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the growth in the prison population requires the Bureau to update its methodology again.</p> <p>The need for change in the "usual residence" rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the number of incarcerated people has more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the census.</p> <p>By designating a prison cell as a residence in the 2010 census, the Census Bureau concentrated the nation's entire incarcerated population into just 5,393 census blocks that are located far from the actual homes of incarcerated people. In Vermont this means that the residents of</p>

places like Burlington, Rutland and Bennington, are instead systematically counted at the location of the state's seven prisons—or out of state in the private prison in Baldwin, Michigan.

This miscount is unjustifiable anywhere, but **my state exemplifies the incongruity between the Census Bureau's residence rules and where people actually reside.** While prisoners remain residents of their home address in all states, in Vermont they also retain the right to vote while in prison. So they are represented by, and vote for, their home legislator, but at redistricting time, they are counted toward the constituency total of the legislators who have prisons in their districts.

Currently, four states (California, Delaware, Maryland, and New York) are taking a state-wide approach to adjust the census's population totals to count incarcerated people at home, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts.

But this ad hoc approach is neither efficient nor universally implementable. It makes far more sense for the Bureau to provide accurate redistricting data in the first place, rather than leaving it up to each state to have to adjust the census's data to count incarcerated people in their home district.

Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Because democracy relies on a population count that accurately represents communities, I urge you to count incarcerated people as residents of their home address.

July 14, 2015

Karen Humes,
Chief of the Population Division
U.S. Census Bureau
Via email to POP.2020.Residence.Rule@census.gov

Re: Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015)

Dear Ms. Humes,

The Texas Civil Rights Project respectfully submits these comments in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations 80 FR 28950 (May 20, 2015).

We strongly urge you to count incarcerated people at their home addresses rather than their prison addresses, because the current system grossly distorts the census results. This is particularly true in Texas.

- Texas consistently is at or near the highest rate of incarceration in the United States.
- Most convictions are in Texas' urban areas, but most prisons are in very rural areas.
- African Americans are disproportionately affected: they represent only 11.8% of the state population but 31% of the prison population.

When the census counts inmates at their prison addresses, it reinforces state political dynamics which contribute to the phenomenon of mass incarceration in Texas.

A. Texas' prison population has grown vastly since 1980

In 1978, Texas' prison population was 24,575.¹

The 2014 prison population was 150,361.² That is a **511%** increase in 36 years.

The increase is largely the result of the state legislature creating longer and longer sentences for the same crimes.

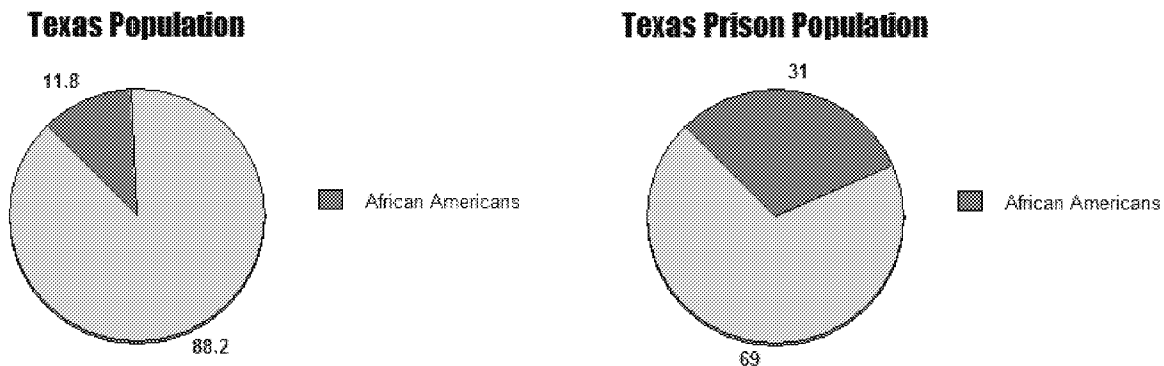
¹ *Ruiz v. Estelle*, 503 F. Supp. 1265, 1275 (S.D.Tex 1980).

² TDCJ Statistical Report FY 2014, available at http://tdcj.state.tx.us/documents/Statistical_Report_FY2014.pdf.

B. African American residents are disproportionately affected.

African Americans represent roughly **11.8%** of the Texas population.

However, they represent about **31%** of Texas' prison population.



Most Texas prisoners are incarcerated for a short time. Half the people convicted every year are sentenced to two years or less, and another quarter are sentenced to 3-5 years. State law does not permit prisoners to vote, but they become eligible again after being released and finishing parole (if applicable).³

C. Prisoners are mostly from urban areas, but prisons are mostly in rural areas.

In 1978 there were 17 prisons in Texas with a total capacity for 27,253 inmates. They were distributed across **7 counties**.⁴

Today, there are 109 prisons with a total capacity for 160,023 inmates, distributed across **52 counties**.



³ Texas Election Code 11.002(4).

⁴ See Appendix A.

Counting prisoners where they are incarcerated but cannot vote – in regions of the state that are primarily rural, white, and conservative – results in the state government being disproportionately rural, white, and conservative. It simultaneously disenfranchises some residents while empowering others, which creates a snowballing effect for mass incarceration. It is no accident that the Texas prison population has not only grown since 1980, but that the growth continued to accelerate through the 1990's.

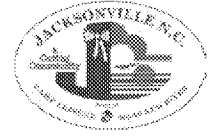
As a civil rights advocate, I strongly encourage you to change the current system. Not only would it make the electoral system more representative generally, it might be essential to breaking the cycle of mass incarceration in Texas in our lifetimes.

Appendix A

Prison	Year	Inmate Capacity	County	Total prison capacity
Huntsville	1849	1705	Walker	1705
Wynne	1883	2621	Walker	4326
Jester I	1885	323	Fort Bend	4649
Vance	1885	378	Fort Bend	5027
Clemens	1893	1215	Brazoria	6242
Goree	1907	1321	Walker	7563
Ramsey	1908	1891	Brazoria	9454
Stringfellow	1908	1212	Brazoria	10666
Central (closed 2013)	1909	950		(not counted toward current total)
Darrington	1917	1931	Brazoria	12597
Eastham	1917	2474	Houston	15071
Scott	1919	1130	Brazoria	16201
Ferguson	1962	2421	Madison	18622
Byrd	1964	1365	Walker	19987
Coffield	1965	4139	Anderson	24126
Ellis	1965	2482	Walker	26608
Mountain View	1975	645	Coryell	27253
Beto	1980	3471	Anderson	30724
Crain	1980	2115	Coryell	32839
Hilltop	1981	553	Coryell	33392
Jester III	1982	1131	Fort Bend	34523
Luther	1982	1316	Grimes	35839
Powledge	1982	1137	Anderson	36976
Hospital Galveston	1983	365	Galveston	37341
Pack	1983	1478	Grimes	38819
Terrell	1983	1603	Brazoria	40422
Estelle	1984	3480	Walker	44852
Bridgeport	1987	200	Wise	45052
Michael	1987	3305	Anderson	48357
Skyview	1988	562	Cherokee	48919
Bridgeport	1989	520	Wise	49439
Cleveland	1989	520	Liberty	49959
Daniel	1989	1384	Scurry	51343
Estes	1989	1040	Johnson	52383
Hobby	1989	1384	Falls	53767
Kyle	1989	520	Hays	54287
Clements	1990	3798	Potter	58085
Hightower	1990	1384	Liberty	59469

Hughes	1990	2984	Coryell	62453
Lewis	1990	2232	Tyler	64685
Roach	1991	1884	Childress	66569
Boyd	1992	1372	Freestone	67941
Briscoe	1992	1384	Frio	69325
Cotulla	1992	606	La Salle	69931
Duncan	1992	606	Angelina	70537
Fort Stockton	1992	606	Pecos	71143
Jordan / Baten	1992	1008	Gray	72151
Marlin	1992	606	Falls	72757
McConnell	1992	2900	Bee	75657
Robertson	1992	2984	Jones	78641
San Saba	1992	606	San Saba	79247
Smith	1992	2234	Dawson	81481
Tulia	1992	606	Swisher	82087
Gurney	1993	2128	Anderson	84215
Jester IV	1993	550	Fort Bend	84765
Lockhart*	1993	500	Caldwell	85265
Lockhart*	1993	500	Caldwell	85765
Polunsky	1993	2984	Polk	88749
Stiles	1993	2981	Jefferson	91730
Torres	1993	1384	Medina	93114
Garza East	1994	2458	Bee	95572
Garza West	1994	2278	Bee	97850
Gist	1994	2276	Jefferson	100126
Glossbrenner	1994	612	Duvall	100738
Havins	1994	596	Brown	101334
Holliday	1994	2128	Walker	103462
Lynaugh	1994	1416	Pecos	104878
Middleton	1994	2128	Jones	107006
Montford	1994	1044	Lubbock	108050
Neal	1994	1732	Potter	109782
Sayle	1994	632	Stephens	110414
Stevenson	1994	1384	DeWitt	111798
Wallace	1994	1448	Mitchell	113246
Allred	1995	3,722	Wichita	116968
Bartlett	1995	1049	Williamson	118017
Bradshaw	1995	1980	Rusk	119997
Cole	1995	900	Fannin	120897
Connally	1995	2148	Karnes	123045
Dalhart	1995	1398	Hartley	124443
Diboll	1995	518	Angelina	124961
Dominguez	1995	2276	Bexar	127237
Formby	1995	1100	Hale	128337

Goodman	1995	612	Jasper	128949
Halbert	1995	612	Burnet	129561
Henley	1995	576	Liberty	130137
Hodge	1995	989	Cherokee	131126
Hutchins	1995	2276	Dallas	133402
Johnston	1995	612	Wood	134014
LeBlanc	1995	1224	Jefferson	135238
Lindsey	1995	1031	Jack	136269
Lychner	1995	2276	Harris	138545
Moore, B.	1995	500	Rusk	139045
Moore, C.	1995	1224	Fannin	140269
Murray	1995	1341	Coryell	141610
Ney	1995	576	Medina	142186
Plane	1995	2291	Liberty	144477
Rudd	1995	612	Terry	145089
Segovia	1995	1124	Hidalgo	146213
Telford	1995	2872	Bowie	149085
Wheeler	1995	576	Hale	149661
Willacy County	1995	1069	Willacy	150730
Mineral Wells (closed 2013)	1995	2103		(not counted toward current total)
Dawson (closed 2013)	1995	2216		(not counted toward current total)
Hamilton	1996	1166	Brazos	151896
Sanchez	1996	1100	El Paso	152996
Young	1996	455	Galveston	153451
Kegans	1997	667	Harris	154118
Lopez	1997	1100	Hidalgo	155218
Travis County	1997	1161	Travis	156379
Ware	1997	508	Mitchell	156887
Woodman	1997	900	Coryell	157787
East Texas	2004	2236	Rusk	160023



City of Jacksonville

Office of the Mayor

PO Box 128 • Jacksonville NC 28541-0128 • 910 938-5224

July 15, 2015

Karen Humes
Chief
Population Division
U.S. Census Bureau
Room 5H174
Washington, DC 20233

And via email: POP.2020.Residence.Rule@census.gov

Reference: Notice and Request for Comment: **2010 Census Residence Rule**

Madam:

The City of Jacksonville respectfully responds to your request for comments on the 2010 Census Residence Rule. As the proud host city to Marine Corps Base Camp Lejeune and Marine Air Station New River, Jacksonville seeks to ensure that the heroes who live among us are fairly and adequately counted.

At the center of the issue is the question of where their usual residence is. We contend there is no question that whether deployed for a short period or even in time of war, our military associated with these bases and those similarly situated, have their usual residence here. This is where their families are and clearly where they intend to return after a deployment.

Jacksonville, Onslow County and similar military communities were deeply affected by the count during the 2010 Census that set the servicemember's Census enumeration as their Home of Record, but left confused family members in the same household to reconcile a directive that they be considered residents of this community. For many, they simply did not fill out the forms because of this confusion.

We ask that you treat our military as you do others who have work that requires them to travel or temporarily be somewhere for that work. Their intentions are to return to their usual residence where their family and community ties exist.

We appreciate this opportunity to speak about an issue that has significantly impacted our community's status and ability to serve these dedicated servicemembers. We stand ready to speak further on this issue and thank you for receiving this and our attached comments.

City of Jacksonville, NC

Response to Federal Register Request for comments on the 2020 Census Count Issues

Specifically: Census of Military Persons during Deployments, wartime and normal rotation

May 2015

Summary

During the 2010 Census, Vietnam era guidance was used to count deployed military at their home of record rather than from the bases and host communities where they lived. Family members were to be counted at their homes on or in the communities around the bases, but many families incorrectly assumed the guidance applied also to them, and did not complete Census documents reflecting their status. For the State of North Carolina, thousands of servicemembers were enumerated at locations that had little to do with them, and for the host communities around the bases, the loss of an accurate count resulted in perceptions of a poor economy, reduced revenues based on population and a much reduced base count on which a decade of estimates are now based.

Request

To work with the services to determine the best method of counting, including temporary deployments and deployments during wartime or to simply count the military with their spouses where that is their usual residence, even if both spouses are deployed.

The City requests deployed military members be counted at their usual residence in 2020. That is the usual residence from which they deployed from, and the one to which they intend to return. The City believes this rule, which follows the logic of other persons temporarily away from their home working are counted at their usual place of residence, should apply both in wartime and for non-wartime deployments.

Background

Guidance for the 2010 military counts came from a specific publication:

*"The military overseas population includes U.S. military personnel deployed for **wartime** efforts and U.S. military personnel on U.S. military vessels with a homeport outside the United States." Citation from 2010 Census publication D-3277*

From the Residency rules in the public notice for Military Persons:

"1(a) People away from their usual residence on Thursday, April 1, 2010 (Census Day), such as on a vacation or a business trip, visiting, traveling outside the U.S., or working elsewhere without a usual residence there (for example, as a truck driver or traveling salesperson)—Counted at the residence where they live and sleep most of the time. (80 FR 28950)

"9(a) U.S. military personnel living in military barracks in the U.S.—Counted at the military barracks.

"9(b) U.S. military personnel living in the U.S. (living either on base or off base) but not in barracks—Counted at the residence where they live and sleep most of the time. (80 FR 28951)

“9(c) U.S. military personnel on U.S. military vessels with a U.S. homeport—Counted at the onshore U.S. residence where they live and sleep most of the time. If they have no onshore U.S. residence, they are counted at their vessel's homeport. (80 FR 28951)

Effects from the 2010 Census in our area:

1. **Single Military** who were stationed at area bases (communities) who were **deployed** were **not counted** as **residents** of their bases.
2. **Military with families** (on or off bases) who were deployed were **not counted where their families were.**
3. **Military associated persons living off base were less likely to fill out Census forms when their military member was told they would be counted elsewhere**

Our View

The premise of the rules cited in the request for comment Federal Register Residency Rules directs that if someone is temporarily away from their usual place of residence, they should be counted at their usual place of residence. The City of Jacksonville encourages this premise to apply to military persons who are temporarily deployed.

For purposes of our discussion, we used the Marine Corps term deployed, which in most cases indicates a temporary assignment, duty or otherwise not permanent assignment for an individual or a unit.

In 2010, a large number of military persons assigned to bases within North Carolina were counted at their home of record because they were deployed. Many were assigned to the War on Terror, and some were assigned to routine training. The publically facing basis was the application of a rule cited in the 2010 Census publication D-3277 which as stated above, called on wartime deployments to be counted at their home of record.

For those assigned to Camp Lejeune Marine Corps Base and the Marine Corps Air Station New River it was clear that they were to return to the bases from where they deployed and where their families and loved ones were still in residence, and not return to their home of record.

Because they were assigned to units associated with area bases, the servicemembers have a usual residence on or nearby the bases. Their assignment, even in wartime, is temporary and they intend to return to their usual residence on or nearby the bases from which they were deployed.

It is estimated that the 2010 Census had about 25,000 to 34,000 troops from North Carolina counted elsewhere. Nationally, about 1.4 million persons were counted away from their assigned bases in 2010. NC gained 30,298 in counting the home of record status for all troops. This count does not accrue to local jurisdictions, but only to the entire state's population count for apportionment.

The failure to count these troops as residents led to perceptions of a significant loss of population for our community. It caused those who read the headlines to back away from economic advances for our community. Additionally, the lower count robbed local communities of allocated revenues based on population used to support the military families and other citizens of our community.

Home of Record frequently not accurate

During the preparation for the 2010 Census, City officials contacted the Special Populations branch to inquire about military counts. Technical Paper 62 was cited as the guidance for the directive in 2010 Census publication D-3277. The paper reflected that Congressional intent was

to have military deployed, temporarily or otherwise, be counted in the Census. A system that would count the personnel was identified but "(b)ecause of a lack of funding and other constraints...the DOD cancelled its plans" and a decision was reached to count deployed persons at their home of record as the first option.¹

In many cases, the Home of Record for a US Marine may indicate the recruiting station where they entered service rather than from the community they came. Years after entering the service, the home of record may not reflect their usual residence. The City believes the Home of Record is completely unrelated to the definitions used in the Residency Rule for usual residence and that the application of the premise of using their usual residence is most accurate.

Secondary Effect

Because the deployed military member was counted at a home of record in 2010, their remaining family members who should have been counted in their shared usual residence (and where the military member will most likely return) were sometimes confused about their status. The City of Jacksonville found many families who declined to be counted locally because of the confusion. Some believed filling out the form would change their status in contradiction to the military member's status for other purposes. Many states allow military on active duty to remain a citizen of their state for tax purposes, without regard for their usual residence during this period.

Through the partnership with the US Census, our community's Complete Count Committee launched billboards and messages from trusted voices to encourage military families whose active member or members were being counted at their home of record to fill out the Census questionnaire indicating what was truly their usual residence in the community.

Routinely Marine troops are deployed as part of a Marine Expeditionary Unit. Primarily, these are US Navy ship-based and roam a specific theater frequently being given assignments based on world events. Assignments were normally six-months, but world conditions and circumstances drive the length of the deployment. Proud of the moniker as the "President's 9-1-1 force," other Marine units may deploy by other means to a theater based on world events or on standby. In each case, the units intend to perform their assignments and return back to the base from which they deployed.

Counting Marine troops aboard ships as being residents of the homeport of the ship does not represent their usual residence as the ship is merely a transport and platform on which they perform their duties. In most cases, the ships arrive at ports in North Carolina or off shore where they pick up the service members assigned to the deploying units.

"Rear Presence"

Marine units deployed frequently have a full-time presence at the base whether or not it is deployed. This is further evidence of the relative permanence of their base operations and more evidence that members of that unit should clearly be counted as part of the base host community where they come from; either in base housing or as living off base.

Even if the unit does not have a rear presence, the clear evidence of usual residence is that they validate their intention to return to the Marine bases because that is where their families live either on base or in the community. This demonstration of rear presence is demonstrated at the celebrations of returning deployed persons met by families who largely are residents of the community.

¹ US Department of Commerce, Economics and Statistics Administration, Bureau of the Census, Karen M. Mills, Technical Paper 62, "Americans Overseas in U.S. Censuses" (portions are attached)

Congressional Attention

The City of Jacksonville worked with other communities to bring attention to the application of counting deployed troops during wartime at their home of record, and elicited a series of letters drawing attention to the issues. A majority of the State's 2010 Congressional delegation and a House Committee on military affairs signed two letters.

In addition to the work done by the City of Jacksonville prior to the Census, the City convened a group at the Onslow County Multipurpose Complex April 6, 2011 to gain State attention to the matter. Representatives from Cumberland County, Fayetteville, Craven County, Havelock, Wayne County and Goldsboro attended. Governor's Census Liaison Bob Coats was helpful in relaying the issue to others and interpreting Census actions.

Suggestions for the 2020 Census

The City supports actions that would cause the administration of the services to present the count of troops as they are assigned for a duty station. For troops assigned a foreign base, they are part of the overseas population. For troops assigned a main on shore base, they should be counted there even if they are temporarily deployed. They clearly intend to return to the assigned base after their deployment, and believe that to be their usual residence.

We believe that each service should be challenged to prepare the count of deployed persons.

- For military persons living in a barracks, the count should reflect their assignment to that base and should be filled out by the military as part of the normal Quarters count.
- For military persons living with their families, the count should reflect their usual residence, whether it is on base or off base. Families with a deployed member should be encouraged to mark the temporarily deployed persons as deployed and the base to which the member is assigned.

The City of Jacksonville is proud of our military members and wants to accurately count persons in our community.

Resources and References

Census Publication US Census 2010 Publication D-3277: A Guide for US Military Personnel	Page 7
US Census Special Population Programs Branch Communication October 2009 Email Exchange with Special Population Programs Branch including guidance document from US Census. Portions of Technical Paper 62 are included in the responses from the Special Population Programs Branch.	Page 9
Reaction Letters Collection of Letters including responses from US Census officials	Page 23
Reaction and Results Some of the work of the Complete Count Committee and some results, graphics and discussion about Census counts	Page 33



IT'S IN OUR HANDS

WHAT YOU NEED TO KNOW

Sound Off for the 2010 Census: A Guide for U.S. Military Personnel

Where Will You and Your Family Be Counted?

People in the United States will be counted at their usual residence, the place where they live and sleep most of the time. This place is not necessarily the same as the person's voting residence, legal residence, or permanent residence. Determining usual residence is easy for most people—but it may not be so apparent for people in the military and their families.

- U.S. military personnel residing in the United States are counted at the residence where they live and sleep most of the time. This residence might be on or off the military installation.
- Crews of military vessels with a U.S. homeport are counted at the onshore residence where they live and sleep most of the time. If they do not report an onshore residence, they are counted at their vessel's homeport.
- U.S. military personnel stationed outside the United States, including dependents living with them, will be counted as part of the U.S. overseas population using administrative records from the Department of Defense. These persons stationed overseas will be included in the state totals used to determine the allocation of seats in the U.S. House of Representatives. The military overseas population includes U.S. military personnel deployed for wartime efforts and U.S. military personnel on U.S. military vessels with a homeport outside the United States.

An Overview of the 2010 Census for the Armed Forces.

Military installations in the United States appoint a project officer to work with the Local Census Office (LCO). The LCO trains base personnel, provides materials, and assists with any questions or problems during the census.

- Armed forces personnel, who live in military group quarters such as barracks/dormitories, disciplinary barracks/jails, or military treatment facilities, will be given a special census form called a Military Census Report (MCR). Personnel assigned to a military group quarter will be counted at the group quarter.
- U.S. military personnel on board Navy and Coast Guard vessels with a U.S. homeport will receive a Shipboard Census Report (SCR) to complete. If they have an onshore address, they can claim it as their home address. If not, they will be counted on board the ship at its homeport.
- People living in family housing on base in the United States will receive the standard census questionnaire through the mail.
- Vessel personnel, who also have an onshore address, will receive the standard census questionnaire at their home address **AS WELL AS A SHIPBOARD CENSUS REPORT ON BOARD THE SHIP**. Please complete both the standard census questionnaire and the Shipboard Census Report. When completing the Shipboard Census Report, make sure to write in the full address **OF YOUR ONSHORE RESIDENCE IF you live or stay THERE** most of the time.

The 2010 Census: Quick, Easy, and Confidential.

- 2010 Military Census Reports contain 6 questions and are simple to fill out.
- By law, the Census Bureau cannot share an individual's census questionnaire responses with anyone, including other federal agencies and law enforcement entities.

Your Participation Is Vital.

The U.S. Constitution directs the Census Bureau to conduct a complete count of all people living in the United States every 10 years. Census information helps in determining how federal, state, local, and tribal governments make decisions affecting the people of this country and how over \$400 billion per year of taxpayers' money is allocated by government. Participating in the census is in everyone's best interest. People who answer the census help their communities obtain state and federal funding for neighborhood improvements, such as deciding where to build schools, hospitals, and roads, or about services for the elderly, job training, and more. The best way to make sure people like yourself are counted in the census is to fill out the form and encourage others to do so.

By law, the Census Bureau cannot share individual answers it receives with anyone. Also, we do not share individual answers with welfare agencies, courts, police, or the military. Census workers are sworn to secrecy. The Census Bureau workforce understands the importance of safeguarding confidential data. They know that if they give out any information, they can face a \$250,000 fine and jail time.

For additional information about the 2010 Census, visit the Census Bureau's Internet site at <http://www.census.gov> or call one of our Regional Census Centers across the country:

Regional Census Center	Phone Number
Atlanta	404-335-1555
Boston	617-223-3700
Charlotte	704-936-5300
Chicago	312-454-2700
Dallas	214-267-6900
Denver	720-475-3640
Detroit	313-396-5200
Kansas City	816-994-2000
Los Angeles	818-717-6700
New York City	212-971-8810
Philadelphia	215-717-1020
Seattle	425-908-3000

D-3277

U.S. Department of Commerce
Economics and Statistics Administration
U.S. CENSUS BUREAU

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2010 000185

BC-DOC-000002869

US Census Special Population Programs Branch Communication

[REDACTED]

From: brian.de.vos@census.gov
Sent: Tuesday, October 13, 2009 8:55 AM
To: [REDACTED]
Subject: Counting military deployed for the 2010 Census
Attachments: Tech Paper 62.pdf; Home of Record 4903.pdf

[REDACTED], below is some information on how we count military personnel stationed or deployed overseas. We have used the same procedures for counting overseas military personnel and dependents since 1990. The address that military personnel enter on their Census questionnaire will not affect their Home of Record. I will pass this information on to our PR department. I will also bring this up at our next scheduled meeting with the Department of Defense in November.

The Census Bureau will obtain counts of U.S. military and federal civilian employees stationed overseas and their dependents living with them that can be allocated to a home state for the purpose of reapportioning seats in the U.S. House of Representatives. The term "overseas" is defined as anywhere outside the 50 U.S. States and the District of Columbia. Federal government departments and agencies will provide overseas certified counts by home state from their administrative records.

These overseas data are used for apportionment purposes only. Overseas counts are not included in PL94 for Congressional redistricting or SF1. The data do not provide the sub-state geographical precision required to allocate this group to jurisdictions below the state level.

These procedures and data products for federally affiliated Americans living overseas follow the same processes that were in place during Census 2000.

Overseas military personnel, both stationed and deployed (including the National Guard), will be included in the overseas count in Census 2010.

They are counted administratively using counts from the Defense Manpower Data Center (DMDC), Department of Defense, based on home of Record (HOR) information as close to April 1, 2010, as possible. When HOR is not available we use legal residence and if that is not available then we use last duty station. The counts are added to the resident population totals for each state and used to determine the apportionment counts for the 2010 Census.

Below are some documents on our decision to use HOR for the overseas counts

Pages 5 and 6 of Tech Paper 62, provide information on the decision to go with HOR.
(See attached file: Tech Paper 62.pdf)

(See attached file: Home of Record 4903.pdf)

Brian De Vos
Decennial Management Division
Special Population Programs Branch
Project Manager
3H584B
301-763-3422

"You can bank your money, but you can't bank your time" - Kevn Kinney

[REDACTED]

From: brian.de.vos@census.gov
Sent: Tuesday, October 20, 2009 9:16 AM
To: [REDACTED]
Cc: brian.de.vos@census.gov; james.l.dinwiddie@census.gov; annetta.clark.smith@census.gov; pamela.h.white@census.gov; dora.b.durante@census.gov
Subject: RE: Counting military deployed for the 2010 Census

Good morning [REDACTED]. Thank you for interest and support in the 2010 Census. See answers below and let me know if you have any more questions.

Brian De Vos
 Decennial Management Division
 Special Population Programs Branch
 Project Manager
 3H584B
 301-763-3422

"You can bank your money, but you can't bank your time" - Kevn Kinney

[REDACTED]

[REDACTED] > To
 10/19/2009 11:14 AM "'brian.de.vos@census.gov'"
 AM <brian.de.vos@census.gov>
 cc
 Subject
 RE: Counting military deployed for
 the 2010 Census

Sir,
 I appreciate your response and your explanation. Since this send, I've been discussing this with many persons.

Several questions have repeatedly been asked of me:

1. "If the person is living off base, they have a family here, they get a Census questionnaire, do they record the family member living here?"

--- 1. Military personnel living off base will receive the standard Census questionnaire. All members of the household should be entered on this form with the exception of a family member deployed overseas.

a. Scenario 1 - John, Mary and their 2 children live off base.

i. Result - John, Mary and the 2 children should be

entered on the standard Census questionnaire that they receive in the mail.

- b. Scenario 2 - John, Mary and their 2 children live off base but John was deployed to Iraq on March 1, 2010.
 - i. Result - John is counted in the overseas population via administrative records from the Department of Defense. John will not have to fill out any Census forms.
 - ii. Result - Mary and the 2 children receive a standard Census questionnaire in the mail. Mary and the 2 children should be entered on the standard Census questionnaire. John should NOT be entered on the questionnaire since he is being counted in the overseas population.

2. "What about apartments where two or more service members are living. One or more are deployed and the remaining person gets the Census form. Are they wrong to report the person as living there but deployed?"

--- 2. Military personnel living off base will receive the standard Census questionnaire. Everyone at the address should be entered on this form with the exception of the resident deployed overseas.

- a. Scenario 1 - John and Rob share an apartment off base.
 - i. Result - John and Rob fill out 1 standard Census questionnaire for the address and they should both be entered on the form.
- b. Scenario 2 - John and Rob share an apartment off base but John was deployed to Iraq on March 1, 2010.
 - i. Result - John is counted in the overseas population via administrative records from the Department of Defense. John will not have to fill out any Census forms.
 - ii. Result - Rob will receive a standard Census questionnaire in the mail. Rob should be entered on the standard Census questionnaire. John should NOT be entered on the questionnaire since he is being counted in the overseas population.

3. Is there any more underlying specific guidance for the military persons who are designated as "project officer" for this activity?

--- Each GQ (barrack/dormitory, disciplinary barrack/jail, military treatment facility) will be asked to provide a "Project Officer" to help with the Census. The Project Officer will be trained between March 16-27, 2010 on how to enumerate the GQ. This training will provide a step by step guide on how to enumerate the GQ and will take about 2 hours. We ask that the Project Officer enumerate the GQ on April 1, 2010 or soon after.

--- Non GQ addresses will be enumerated by Census staff and will require an escort while on the installation.

[REDACTED]

[REDACTED]

Technical Paper 62

Americans Overseas in U.S. Censuses

by
Karen M. Mills

U.S. Department of Commerce
Economics and Statistics Administration
BUREAU OF THE CENSUS

- Data were readily available from administrative records for Americans overseas affiliated with the Federal Government. Data on overseas Armed Forces personnel, Federal civilian employees, and their dependents living with them could be obtained from the Departments of Defense and State and the Office of Personnel Management (OPM).
- Complete or even adequate counts of private Americans overseas not affiliated with the Federal Government could not be obtained in 1960 and 1970, when special efforts were made to enumerate these persons, and there was some question as to whether this universe could be properly defined. Major problems associated with obtaining an accurate count of this component included the voluntary basis on which this group had to be enumerated (respondents had to go to a U.S. embassy or consulate to obtain a form), the lack of up-to-date embassy and consulate mailing lists for Americans living in their jurisdictions, and the definitional problem of who should be included in such an enumeration.

With regard to the definitional issue, many alternatives could be considered. For example, should an enumeration of private Americans overseas include all persons with a claim to U.S. citizenship? Only U.S. citizens who intended to return to the United States? All persons born in the United States (some of whom would have gone on to become citizens of the country in which they currently resided)? Only those citizens eligible to vote? Only those tied financially to the United States, such as Social Security beneficiaries or employees of U.S. or multinational corporations? People having dual (U.S. and second-nation) citizenship?

It was believed that even if a clear operational definition of this universe could have been developed, it still would have been necessary to contact a much broader range of potential respondents in order to identify those who actually met the conceptual criteria for inclusion.

The 1990 census, for only the second time in census history, included certain components of Americans overseas in the apportionment population. The overseas components included were members of the Armed Forces, Federal civilian employees, and their dependents living with them. Counts of these persons were obtained from 30 Federal departments and agencies and were based primarily on administrative records.

A significant factor in the Census Bureau's decision to allocate segments of the overseas population to their home State for apportionment purposes was the substantial amount of bipartisan congressional support given to this matter late in the 1980 decade. Several bills requiring inclusion of overseas military personnel in the apportionment counts were introduced in both houses of the 100th and 101st Congresses.

The Department of Commerce, in an August 1989 press release, announced plans to include overseas military and civilian DOD employees in the 1990 census apportionment

population. In addition, the Deputy Director of the Census Bureau testified before the House Subcommittee on Census and Population in September 1989 that the Bureau would include overseas military and civilian DOD employees and their associated dependents in the 1990 apportionment counts. He cited several reasons for the decision:

- The 1969 Justice Department opinion recognizing that the Director of the Census Bureau had discretionary authority to decide whether to include overseas Americans in the apportionment population.
- Bipartisan congressional support for including overseas military personnel.
- The DOD's decision that it could provide the necessary data to the Bureau in time to meet the December 31, 1990 deadline for reporting apportionment counts to the President.

About the time of the hearing, the DOD, with technical assistance from the Census Bureau, planned to enumerate its overseas personnel and dependents concurrent with the 1990 stateside census enumeration. These data would be used by the Bureau for inclusion in the apportionment counts and by DOD for a variety of programs.

The Deputy Director further testified that these overseas personnel and their dependents would have maintained a usual residence in the United States had they not been assigned abroad in fulfillment of their military and professional obligations.

Because of a lack of funding and other constraints, in December 1989, the DOD cancelled its plans to conduct an overseas enumeration but agreed to provide overseas counts from its existing automated administrative records. The DOD identified three alternative methods from its administrative files for determining home State affiliation of its overseas military personnel:

- Home of record—State declared by the member of the Armed Forces to be the permanent home at time of entry or reenlistment into the service. Home of record is used to determine the travel stipend granted upon discharge (derived from personnel files).
- Legal residence—State of residence a member declares for State income tax withholding purposes (derived from payroll files).
- Last duty station—State location of the facility to which the member was assigned before going overseas (derived from personnel files).

After reviewing the three data sources available in DOD records for providing counts, the Census Bureau concluded in July 1990 that DOD's "home of record" was the most consistent with the concept of "usual residence," used since 1790 as the basis for determining residency in the decennial census. Also, home of record was the concept used in allocating most overseas military personnel in the 1970 census.

In many cases, legal residence might reflect a State chosen because it had no or low taxes or one where military personnel were exempt from paying income taxes. A 1987 General Accounting Office report had indicated that a significant proportion of military personnel declared their legal residence in one of the States that did not tax personal wages or exempted all military pay from their income.

The use of last duty station, reflecting the location of the last facility to which a person was assigned, would result in counting some military personnel and their dependents in States other than their actual previous U.S. residence. For example, those assigned to the Pentagon would be counted as District of Columbia residents even though they might have actually lived in Maryland or Virginia (although physically located in Virginia, the Pentagon has a duty station of the District of Columbia).

Furthermore, one bill requiring the inclusion of overseas military personnel and dependents in the apportionment population (H.R. 4903) mandated the use of "home of record." That bill passed the House of Representatives in June 1990, and a similar proposal (S. 2675) had been referred to the appropriate Senate committee for consideration.⁶

In response to the strong congressional support for the use of home of record data, the Commerce Department decided to use those data, supplemented and improved with DOD's automated records for missing information, as the basis for including overseas military and dependents in the 1990 apportionment counts.

A June 1990 Congressional Research Service report for Congress found that allocating military personnel by State using home of record most closely resembled the State-by-State distribution of the resident population. An allocation based on last duty station varied from the resident population distribution by 10 times as much as home of record, and legal residence, by nearly 3 times as much.

In addition to the arrangement made with DOD for obtaining counts of its overseas military personnel, the Census Bureau obtained counts of overseas personnel by home State from 29 other Federal agencies. These counts were based principally on administrative records from the employing agency. The DOD also conducted a survey of

⁶Once the Census Bureau decided to include overseas military personnel and their dependents in the apportionment population, no further action was taken in the 101st Congress on this matter.

its overseas civilian employees and dependents using a short, self-administered questionnaire.

As in the 1970 census, allocations of the 1990 overseas population for apportionment purposes were made at the State level only. This population was not included, therefore, in the substate counts used for redistricting because the administrative records did not contain detailed (street/place) addresses.

In May 1991, the Commonwealth of Massachusetts filed a legal challenge against the Secretary of Commerce and others. One of the issues in the case was the constitutionality and/or legality of including overseas U.S. military and Federal civilian employees and their dependents living with them in the 1990 census counts used to apportion the U.S. House of Representatives. Massachusetts lost its 11th House seat by a narrow margin as a result of the apportionment after the 1990 census. This seat, the 435th House seat allocated under the apportionment formula, was shifted to Washington State.

The 1990 census apportionment, calculated by the "method of equal proportions" that had been used since the 1940 census, assigned a priority value to each congressional seat. Constitutionally, every State starts with one seat. Under the method of equal proportions, additional seats are added to each State's delegation based on the priority value for that State's next seat relative to the other 49 States' priority values for their next seats. Using the 1990 apportionment population, Washington's 9th seat was the 435th and last seat assigned; Massachusetts' 11th seat would have been the 436th.

In February 1992, a three-judge panel of the U.S. District Court for the District of Massachusetts held that the decision of the Secretary of Commerce to include overseas military and Federal civilian employees and their dependents living with them in the apportionment counts was "arbitrary and capricious" under the standards of the Federal Administrative Procedure Act.

In an appeal by the Commerce Department, the U.S. Supreme Court in June 1992 unanimously reversed the three-judge panel's decision. Thus, the Secretary of Commerce's decision to allocate Federal military and civilian personnel serving abroad and their dependents living with them to the State population totals for purposes of apportioning the U.S. House of Representatives was allowed to stand and, as a result, Massachusetts lost a seat in the House of Representatives.

1980 CENSUS

The U.S. population abroad reported in the 1980 census was 995,546. As of April 1, 1980, this figure comprised—

- land-based U.S. military personnel stationed abroad and their dependents living with them.
- crews of U.S. Navy vessels deployed to the 6th or 7th Fleets.
- Federal civilian employees stationed abroad and their dependents living with them.

Thus, the overseas population in 1980 was restricted to those Americans affiliated with the Federal Government and their dependents living abroad with them. It did not include private U.S. citizens abroad for an extended period or crews of U.S. merchant marine vessels outside American waters, as was true for both the 1960 and 1970 censuses. Also unlike 1970, no component of Americans overseas was included in the apportionment population for 1980.

Information on the federally-affiliated population overseas was obtained from administrative records rather than by direct enumeration. The Department of Defense (DOD) provided counts of its military and civilian employees stationed abroad and their dependents living with them. The Office of Personnel Management and Department of State provided counts for all other overseas Federal employees and their dependents abroad. No provision was made in 1980 for the enumeration of any component of the overseas population on census report forms, as had been done in censuses since 1950.

The modifications to recent past enumeration procedures were made for the following reasons: The number of Americans overseas who were affiliated with the Federal Government was smaller than in 1970; the data were readily available from administrative records for the major population groups overseas; there was no legal requirement for the direct enumeration of Americans overseas or

for including Americans overseas in the apportionment population; and the 1960 and 1970 census experience had shown that the count of Americans living overseas who were not affiliated with the Federal Government could not be obtained in a complete manner, nor could this group be readily defined.

Crew members of U.S. merchant marine vessels outside U.S. territorial waters on April 1, 1980, were not enumerated or otherwise counted in the 1980 census. Masters of such vessels completed a location report (D-3091) but, if outside territorial waters, crew members were not required to complete a Shipboard Census Report (Form D-23), the individual enumeration form for crews of vessels in the 1980 census.

Residence Rules

Entries relating to the overseas population in the table of residence rules contained in the 1980 *Questionnaire Reference Book* for stateside enumeration were the following:

<i>Type of Person</i>	<i>Resident of—</i>
Member of the Armed Forces:	
Assigned to a military vessel which is deployed to the 6th or 7th Fleet.	The vessel
American citizen abroad:	
Employed by U.S. Government with place of duty abroad or member of the family of such person living with him or her.	DO NOT LIST
Any other American working or living abroad for extended period of time.	DO NOT LIST

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To amend title 13, United States Code, to ensure that military personnel stationed outside the United States are not excluded from any census of population. (Engrossed as Agreed to or Passed by House)

101st CONGRESS

2d Session

H. R. 4903

AN ACT

To amend title 13, United States Code, to ensure that military personnel stationed outside the United States are not excluded from any census of population.

HR 4903 EH

101st CONGRESS

2d Session

H. R. 4903

AN ACT

To amend title 13, United States Code, to ensure that military personnel stationed outside the United States are not excluded from any census of population.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCLUSION OF CIVILIAN AND MILITARY PERSONNEL STATIONED ABROAD.

Section 141 of title 13, United States Code, is amended--

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

`(g) Effective beginning with the 1990 decennial census of population, in taking any tabulation of total population by States for purposes of the apportionment of Representatives in Congress among the several States, the Secretary shall take appropriate measures to ensure that--

`(1) each member of the armed forces assigned to a post of duty outside the United States shall be included, together with any of the member's dependents who reside at or near the same post; and

`(2) each member of the armed forces, and any dependent of any such member, included in accordance with paragraph (1) shall be enumerated as if residing at such member's `home of record', as defined by the Department of Defense for administrative purposes.'.

SEC. 2. ADDITIONAL REPORTING REQUIREMENT.

Not later than 6 months after submitting the report required under section 141(b) of title 13, United States Code, with respect to the 1990 decennial census of population to the President, the Secretary of Commerce shall submit to the appropriate committees of Congress a report setting forth--

(1) for each State, what portion of the total population reported for such State under such section 141(b) consisted of--

(A) members of the armed forces (or their dependents) stationed (or living) abroad; or

(B) civilian employees of the Federal Government (or their dependents) stationed (or living) abroad;

(2) which departments or agencies of the Federal Government participated in any program or measures designed to provide for the inclusion of individuals described in paragraph (1) (A) or (B) in the 1990 decennial census of population; and

(3) what criteria were used by each such department or agency in attributing individuals described in paragraph (1) (A) or (B) to particular States for purposes of such census.

Passed the House of Representatives June 26, 1990.

Attest:

Clerk.

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OFFICE
The U.S. Trade Representative
Washington, D.C. 20230

July 23, 1990

Honorable Herbert H. Kohl
United States Senate
Washington, D.C. 20510

Dear Senator Kohl:

As you are aware, the Department of Commerce (DOC) reached an agreement with the Department of Defense (DOD) last year to include overseas military personnel and their dependents in the 1990 census counts to be used to reapportion the U.S. House of Representatives. It was agreed that the home state affiliation of such persons would be determined in a manner as consistent as possible with the concept of "usual residence" used by the Census Bureau for two hundred years to count the nation's population.

After reviewing the alternative data sources identified by DOD for providing such counts, DOC has decided to use home of record designations in existing DOD administrative records rather than the legal residence or last U.S. duty station of military personnel to determine home state affiliation. Census Bureau technical staff believe that home of record is most consistent with our policy for determining residency.

In a recent letter to House Armed Services Committee Chairman Les Aspin, Assistant Secretary of Defense Christopher Jehn stated that last duty station most closely approximates the "usual residence" concept. However, because last duty station merely reflects the location of the facility to which a person is assigned, many military personnel and their dependents would be counted in states other than their actual previous residence (such as those assigned to the Pentagon, who would be counted as D.C. residents even though they lived in Maryland or Virginia). The option of using legal residence was rejected because in many cases legal residence may be a place where the person has never lived.

While Assistant Secretary Jehn's letter indicated that approximately ten percent of DOD's personnel files are missing home of record data, DOD has agreed to use all automated records available to supplement these files in order to provide data of sufficient quality for apportionment purposes. Bureau staff will work closely with DOD staff to assure the quality of those data.

Sincerely,

Michael R. Darby
Under Secretary
for Economic Affairs

Reaction Letters

IKE SKELTON, MISSOURI, CHAIRMAN
 JOHN SPRATT, SOUTH CAROLINA
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 GENE TAYLOR, MISSISSIPPI
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 SCOTT MURPHY, NEW YORK
 DAN BOREN, OKLAHOMA

HOUSE COMMITTEE ON ARMED SERVICES

U.S. House of Representatives

Washington, DC 20515-6035

ONE HUNDRED ELEVENTH CONGRESS

March 11, 2010

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ERIN C. CONATON, STAFF DIRECTOR

The Honorable Barack Obama
 The White House
 1600 Pennsylvania Ave, NW
 Washington, DC 20500

Dear Mr. President:

We were gratified to hear during the State of the Union message of the First Lady's efforts "to forge a national commitment to support military families." As she pointed out in January in her address to military wives, that national commitment is not only reflected in the \$8.8 billion you have requested for military family programs in your fiscal year 2011 defense budget, but also must be accompanied by the efforts of citizens and others outside the Department of Defense.

However, we believe that the process now underway for the 2010 Census will jeopardize the ability of states and local communities to help forge and fully participate in that national commitment. The problem arises in the way that the 2010 Census will count the 250,000 or more military personnel temporarily deployed overseas from the United States and its territories in support of contingency operations, or for other short-term missions. This is not a question of adding additional money to state and local programs, but rather an effort to ensure outdated rules do not inhibit the ability of states and local communities to support military families as a result of the loss of funds they would normally have been eligible for in other than census years. We believe the matter deserves your immediate attention and corrective action.

Under rules established in 1970, all military personnel stationed overseas will be counted among the totals of the state of their home of record – that is, the place from which they entered the military service, or re-enlisted in the service. If a home of record is not available in Department of Defense administrative records, then the service member will be counted in the state of his or her legal residence; and, if neither of the first two data elements is available, then the overseas service member will be counted in the state of the base of his or her last duty station. In most cases that means the base or location from which the service member deployed overseas.

These counting rules may have made sense in 1970 for the Vietnam-era military that was heavily composed of draftees. Such allocation rules do not make sense today for the all-volunteer

force that is heavily and frequently deployed, causing the military populations residing on those bases, the local areas around those bases, and states to be severely, but temporarily reduced. For example, in November 2009, the North Carolina population, concentrated largely around Camp Lejeune and Fort Bragg, shrank by nearly 28,000 service members temporarily deployed on contingency operations. No state or territory or local areas near a military base is exempt from such reductions.

Many federal and state assistance programs use formulas based on the decennial census or derivates from the decennial census data. As a result, military overseas population data based on the home of record deprives the state and local areas, where those service members actually live most of the time, of potentially large sums of federal and state funding. Reduced funding means that those local communities and states to will have a reduced ability to support the military populations with which they are inextricably linked. For example, a recent estimate of the impact in Onslow County, North Carolina, near Camp Lejeune, cited potential losses of up to \$4 million under current decennial census rules for counting military personnel stationed overseas.

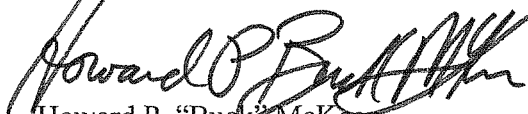
Given the potential for similar significant financial impacts across the nation, we urge you to direct the Secretary of Commerce, the Secretary of Defense, and the Director of the United States Census to take the necessary administrative actions to adopt for the 2010 and future decennial censuses the following method of counting our military men and women, who are temporarily deployed from the United States to overseas contingency missions, or other short term overseas assignments: Such persons must be counted, first in the state of their most recent base of stateside assignment; then, if such data is not available, by their legal residence; and, finally, by their home of record.

We understand that there are many issues related to residency and census counting. These can and should be examined over the long term. In the near term, the resolution of those issues should not be tied to the immediate need to address the ability of states and local communities to join the national commitment to support military families.

Therefore, we look forward to assisting you in measures to ensure there is no loss of federal or state and local resources to assist local communities in maintaining and improving military family quality of life. We thus anticipate your favorable commitment to the course of action we have proposed.

We look forward to your response.

Sincerely,



Howard P. "Buck" McKeon
Ranking Member

Cc: Secretary of Defense
Secretary of Commerce
Director of the United States Census

Kent Stanks

Todd R Platts

Michael R Turner

Robert J Witt

Bill Shuster

Greg Foke

Walter B. Jones

Cathy Thompson Rodger

Doug Lamborn

Congress of the United States
Washington, DC 20515

March 31, 2010

The Honorable Barack Obama
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President:

We are writing to express our concern that the 2010 Census will jeopardize North Carolina's ability to be fairly counted. The problem is the way the 2010 Census will count the more than 33,000 military personnel temporarily deployed overseas from North Carolina. Please do not penalize the communities that these men and women rely on when they are stateside. We believe the matter deserves your immediate attention and corrective action.

Under rules established in 1970, military personnel stationed overseas are counted by the state of their home of record – that is, the place from which they entered military service, or re-enlisted in the service. If a home of record is not available in the Department of Defense records, the service member will be counted in the state of his or her legal residence; and, if neither of the first two data elements are available, then the overseas service member will be counted in the state of the military base of his or her last duty station. In most cases that means the base or location from which the service member deployed overseas.

These rules may have made sense for the Vietnam-era military that was heavily composed of draftees. But they do not make sense for today's all-volunteer force that is frequently deployed, causing the military populations residing on and around bases to be severely, but temporarily, reduced. For example, in November 2009, North Carolina's military population shrank by nearly 28,000 service members who were temporarily deployed overseas.

Many federal and state programs use formulas tied to the decennial census. As a result, counting deployed military personnel based on current census rules will deprive military communities, where those service members actually live most of the time, of funding they are rightly entitled to. Reduced funding means North Carolina's military communities' ability to support their military populations is compromised. For example, a recent estimate of the impact in Onslow County, North Carolina, home of Marine Corps Base Camp Lejeune, cited potential losses of up to \$4 million annually.

Given the potential for similar significant financial impacts in the North Carolina communities around Fort Bragg, Pope Air Force Base, Seymour Johnson Air Force Base, and MCAS Cherry Point, we urge you as Commander in Chief to direct your administration to change the method of counting military personnel who are temporarily deployed outside the United States to the following: Such persons must be counted, first in the state of their most

recent base of stateside assignment; then, if such data is not available, by their legal residence; and finally, by their home of record.

On behalf of North Carolina's military communities, we thank you for your consideration of this urgent request and look forward to your favorable commitment to the course of action we have proposed.

Sincerely,


Rep. Walter B. Jones (NC-3)


Rep. Howard Coble (NC-6)

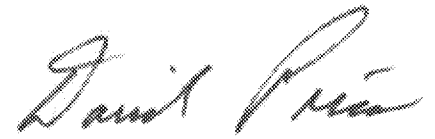

Rep. Mel Watt (NC-12)



Rep. G.K. Butterfield (NC-1)


Rep. Mike McIntyre (NC-7)



Rep. Sue Myrick (NC-9)


Rep. Virginia Foxx (NC-5)


Rep. David Price (NC-4)


Rep. Brad Miller (NC-13)


Rep. Larry Kissell (NC-8)


Rep. Patrick McHenry (NC-10)



UNITED STATES DEPARTMENT OF COMMERCE
The Secretary of Commerce
Washington, D.C. 20230

May 25, 2010

The Honorable Walter B. Jones, Jr.
U.S. House of Representatives
Washington, DC 20515

Dear Representative Jones:

Thank you for your letter to President Obama concerning the counting of overseas military personnel in the 2010 Census. The President asked me to respond to your concerns.

The current order of priority for determining the home State of overseas military personnel was established by the Census Bureau for use in 1990 Census and was based on discussions with Congress and the Department of Defense at that time.

In 1990 the U.S. House of Representatives considered a bill (H.R. 4903) requiring the inclusion of overseas military personnel and their dependents in the apportionment population and mandating the use of "home of record." H.R. 4903 passed the House of Representatives in June 1990. A similar proposal (S. 2675) was referred to the appropriate Senate committee for consideration, but it was not acted upon. A June 1990 Congressional Research Service report found that "home of record" most closely resembled the State-by-State distribution of the resident military population. The Congressional Research Service report further stated that an allocation of the Federally-affiliated overseas population by legal residence varied from the resident military population distribution by three times as much as "home of record." The last duty station varied from the resident population distribution by ten times as much.

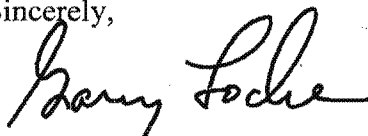
Therefore, in response to the strong congressional support for the use of "home of record" data, the Census Bureau decided to use those data—supplemented by legal residence and last duty station for missing information—as the basis for including overseas military and their dependents living with them in the 1990 and 2000 apportionment counts. For the 2010 Census, the Census Bureau decided in January 2007 that it would continue the 1990 and 2000 method of counting Federally-affiliated overseas personnel in the apportionment counts.

The Honorable Walter B. Jones, Jr.
Page 2

As you know, the decennial census is the largest domestic mobilization that our country undertakes. Planning for this undertaking requires years of testing and coordination. It is too late in the process to consider changing the plan for counting overseas military personnel in the 2010 Census; however, we will revisit these issues as we begin planning for future decennial censuses.

Thank you for your inquiry. If we can be of further assistance, please contact April Boyd, Assistant Secretary for Legislative and Intergovernmental Affairs, at (202) 482-3663.

Sincerely,

A handwritten signature in black ink that reads "Gary Locke". The signature is written in a cursive, flowing style.

Gary Locke



1168703
 UNITED STATES DEPARTMENT OF COMMERCE
 The Secretary of Commerce
 Washington, D.C. 20230

Alexander
 B. ...
 ...

April 7, 2010

The Honorable Beverly Eaves Perdue
 Governor of North Carolina
 Raleigh, NC 27699-0301

Dear Governor Perdue:

Thank you for your letter proposing that the U.S. Census Bureau to reverse the order of priority for determining the count of deployed armed service members by using the member's last military base of deployment.

The Census Bureau established the order of priority for determining overseas military personnel's home state for use in the 1990 Census. This order resulted from discussions with Congress and the Department of Defense at that time.

In 1990 a bill requiring the inclusion of overseas military personnel and dependents in the apportionment population (H.R. 4903) mandated the use of home of record. That bill passed the House of Representatives in June 1990, and a similar proposal (S. 2675) was referred to the appropriate Senate committee for consideration.

A June 1990 Congressional Research Service (CRS) report found home-of-record data most closely resembled the state-by-state distribution of the resident population. The CRS report further stated that allocating the federally affiliated overseas population by legal residence varied from the resident population distribution by three times as much as home of record. Allocating by last duty station varied from the resident population distribution by ten times as much.

In response to the strong Congressional support for the use of home-of-record data, the Census Bureau decided to use those data as the basis for including overseas military and dependents in the 1990 and 2000 apportionment counts. Legal-residence and last-duty-station data were supplemented for missing information.

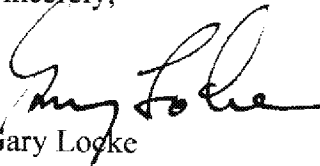
For the 2010 Census, the Census Bureau decided in January 2007 to repeat the 1990 and 2000 method of counting federally affiliated overseas personnel in the apportionment counts.

As you know, the decennial census is the largest peacetime mobilization that our country undertakes. Planning for this once-a-decade civic procedure requires years of testing and coordination. While it is too late in the process to consider such a change for the 2010 Census, we will consider revisiting the issue as we begin planning for the 2020 Census.

The Honorable Beverly Eades Perdue
Page 2

If you have any questions, please have a member of your staff contact Louisa F. Miller, Assistant Division Chief for Census Programs with the Population Division of the U.S. Census Bureau. Ms. Miller can be reached at (301) 763-2481.

Sincerely,



Gary Locke

Reaction & Results

The Complete Count Committee Work

Military Enumeration Campaign

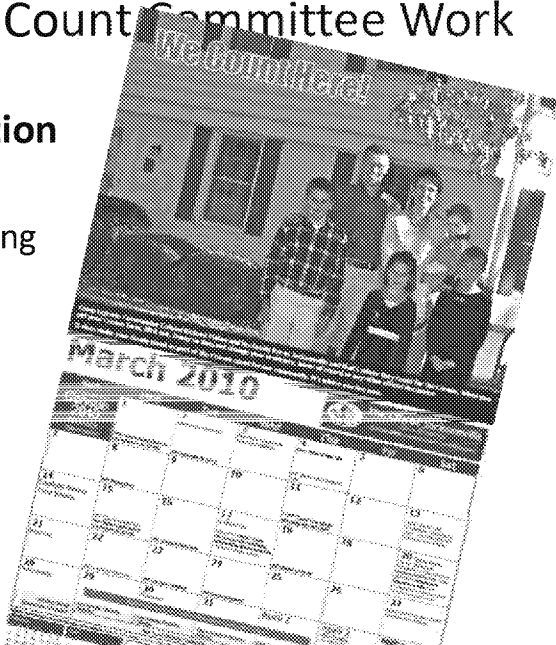
- Inclusive: You are a part of our community
- This is where you should fill out your form



The Complete Count Committee Work

Military Enumeration Campaign

- Trusted Voices Giving Signals
- Jacksonville City Calendar



The Complete Count Committee Work

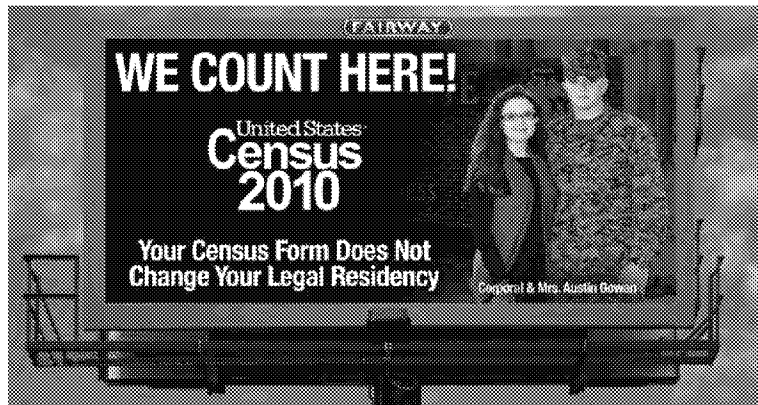
Military Enumeration Campaign

- Military Growth Task Force Support

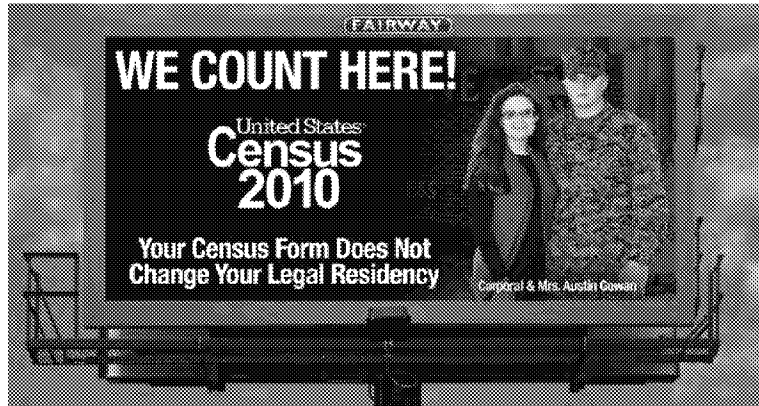
- Billboards
- Globe Placements
- Daily News Placements



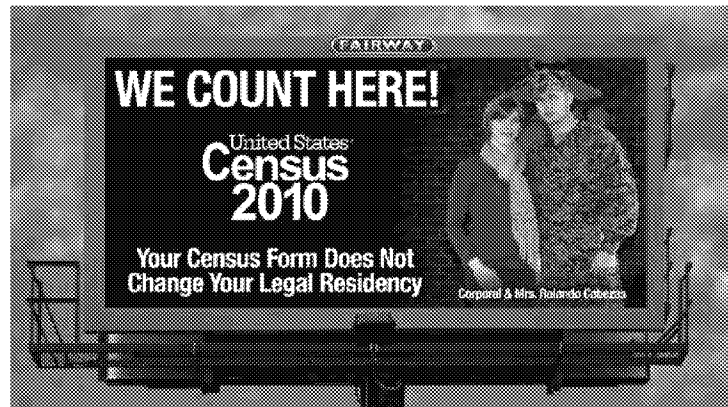
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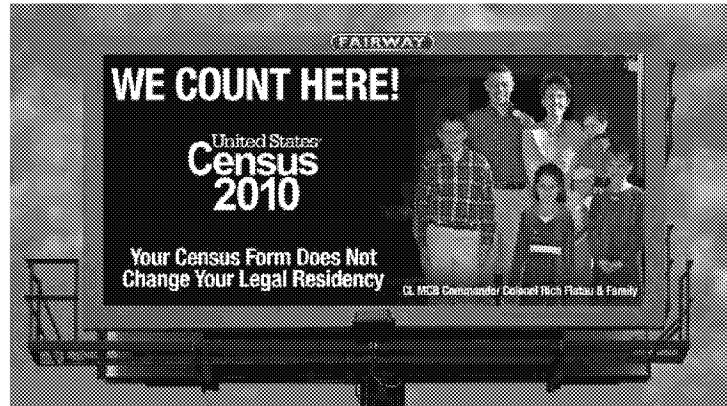
Military Enumeration Campaign



Military Enumeration Campaign



Military Enumeration Campaign



July 20, 2015

Karen Humes
Chief, Population Division
U.S. Census Bureau, Room 5H174
Washington, DC 20233

Transmitted electronically only: POP.2020.Residence.Rule@census.gov

Dear Ms. Humes:

We are submitting these comments on behalf of the American Civil Liberties Union of Wisconsin (ACLU-WI), the Benedict Center, the Justice Initiatives Institute (JII), the NAACP – Milwaukee Branch, and WISDOM, in response to the Census Bureau’s request for comment on its proposed “2020 Decennial Census Residence Rule and Residence Situations,” 80 Fed.Reg. 28950 (May 20, 2015).

We urge you to count incarcerated people at their home addresses, rather than at the addresses of particular facilities at which they happen to be located on Census day.

Our Wisconsin-based organizations are all concerned about ensuring fair representation for persons and communities of color, about protecting the rights of incarcerated persons, and about reforming the criminal justice system to achieve more equity and justice.

- The **American Civil Liberties Union of Wisconsin** is the Wisconsin affiliate of the national ACLU¹ and is a non-profit, non-partisan, private organization. The ACLU-WI uses advocacy, education, and litigation to preserve and extend constitutionally guaranteed rights to people who have historically been denied their rights on the basis of race, to protect and expand Americans’ freedom to vote, and to end mass incarceration by reducing the use of the criminal justice system to address social issues and by substantially reducing the number of people behind bars.
- The **Benedict Center** is an interfaith, nonprofit criminal justice agency in Milwaukee, working with victims, offenders and the community to achieve a system of justice that is fair and treats everyone with dignity and respect. It provides community-based treatment alternatives to incarceration for women so they can live safer and healthier lives for themselves, their children and the community, and advocates for changes in the criminal justice system, with an emphasis on restorative community alternatives to imprisonment, to ensure fair and equitable justice for all.
- The **Justice Initiatives Institute** is a Milwaukee-based private, non-profit agency, the first of its kind in Wisconsin, dedicated to promoting criminal justice reform based on

¹ The American Civil Liberties Union submitted separate comments to the Census Bureau, reflecting the work of ACLU nationwide to ensure population counts that accurately represent our communities.

evidence-informed planning, organized to provide knowledge and technical assistance for criminal justice stakeholders in communities throughout the State of Wisconsin. JII seeks policy reforms, based on practices and research that are cost effective and promote public safety. JII's mission is based on a keen understanding of the intersection of criminal justice issues with the particular needs of the most impoverished, marginalized populations in Wisconsin. When districts with prisons receive enhanced representation, every other district in the state without a prison sees its votes diluted. And this vote dilution is even larger in the districts with the highest incarceration rates. Thus, the communities that bear the most direct costs of crime are therefore the communities that are the biggest victims of prison-based gerrymandering.

- The **NAACP- Milwaukee Branch** works on criminal justice issues in many ways, including seeking to eliminate harsh and unfair sentencing practices that are responsible for mass incarceration and racial disparities in the prison system, seeking to increase trust and public safety by advancing effective law enforcement practices, fighting for the restoration of the voting rights of formerly incarcerated people and the removal of barriers to employment, and resolving to end the war on drugs for its disproportionate collateral consequences that harm communities of color.
- **WISDOM** is a Wisconsin statewide network of interfaith organizations which includes 160 congregations, of 19 different faith traditions. It has strong concerns about the criminal justice system and over-incarceration, and which has built a strong group of formerly-incarcerated people who work collectively to increase the chances for successful re-entry. WISDOM strongly objects to having imprisoned people counted as members of communities where they have no voice and no connections. Since a disproportionate number of incarcerated people come from poor communities, the effect of the current system is to further weaken the neighborhoods that are already the most stressed, taking away resources and political power from those who have already been marginalized.

The need for change in the “usual residence” rule as it relates to incarcerated persons has been growing in recent decades, raising significant issues of census accuracy. As recently as the 1980s, the incarcerated population in the United States totaled fewer than one-half million persons. Since then, the number of incarcerated people has more than quadrupled, resulting in more than two million people behind bars. An even greater increase is found in Wisconsin, where a prison population of fewer than 5000 persons in 1978 was, by 2014, more than 22,000 persons.² Further, Wisconsin has, by far, the highest rate of incarceration for African-American

²“State Prison Population in Wisconsin,” prepared by Peter Wagner, Prison Policy Initiatives, based on Bureau of Justice Statistics, Corrections Statistics Analysis Tool (May 2014) (viewed 7/14/15 at: <http://www.prisonpolicy.org/graphs/incsize/WI.html>); “Adult Correctional Facility Populations - Male Population and Inflationary Costs, and Prison Contract Bed Funding,” Wisc. Legislative Fiscal Bureau Paper #235 (May 19, 2015) (viewed 7/14/15 at: <http://legis.wisconsin.gov/lfb/publications/budget/2015-17%20Budget/Documents/Budget%20Papers/235.pdf>)

men in the United States, with about 1 in 8 working-age African-American men behind bars.³ Wisconsin similarly leads the nation in incarceration of Native American men, with about 1 in 13 working age Native American men behind bars.⁴

By designating a prison cell as a residence in the 2010 Census, the Census Bureau set up a methodology that concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks located far from the actual homes of incarcerated people. This methodology gives additional representation to communities in which incarcerated persons are housed – while at the same time these inmates generally cannot and do not vote and their interests are seldom represented in the communities in which they are counted for census purposes. Meanwhile, the communities from which these prisoners come, to which they are likely to return and with whose other residents they share policy interests are deprived of political representation. The disparity is so stark that, for example, the regional planning commission in the Milwaukee metropolitan area has to make special note of the fact that minority population concentrations outside the central city are due to incarceration.⁵

Four states (California, Delaware, Maryland, and New York) are taking a state-wide approach to adjust the Census' population totals to count incarcerated people at home, and more than 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts. Rather than continuing an unworkable ad hoc approach, the Census definition should be changed to ensure that all state and local governments are counting prisoners where they live, not where they are incarcerated.

We thank you for this opportunity to comment on the Residence Rule. Because we believe in a population count that accurately represents communities, we again urge you to count incarcerated people as residents of their home addresses.

³ “Wisconsin’s Mass Incarceration of African American Males: Workforce Challenges for 2013,” John Pawasarat & Lois M. Quinn (Employment and Training Institute - University of Wisconsin-Milwaukee, 2013) (viewed 7/14/15 at: <http://www4.uwm.edu/eti/2013/BlackImprisonment.pdf>)

⁴ *Id.*

⁵ “A Regional Housing Plan for Southeastern Wisconsin: 2035,” Southeastern Wisconsin Regional Planning Commission (March 2013) at p. 125 (attached).

Attachment for FN 5

PLANNING REPORT
NUMBER 54

A REGIONAL HOUSING PLAN FOR SOUTHEASTERN WISCONSIN: 2035

Prepared by the

Southeastern Wisconsin Regional Planning Commission
W239 N1812 Rockwood Drive
P.O. Box 1607
Waukesha, WI 53187-1607
www.sewrpc.org

The preparation of this publication was financed in part through planning grants from the Federal Highway and Federal Transit Administrations, the U.S. Department of Transportation, and the Wisconsin Department of Transportation. The contents of this report do not necessarily reflect the official view or policy of the above agencies.

March 2013

Inside Region \$30.00
Outside Region \$45.00

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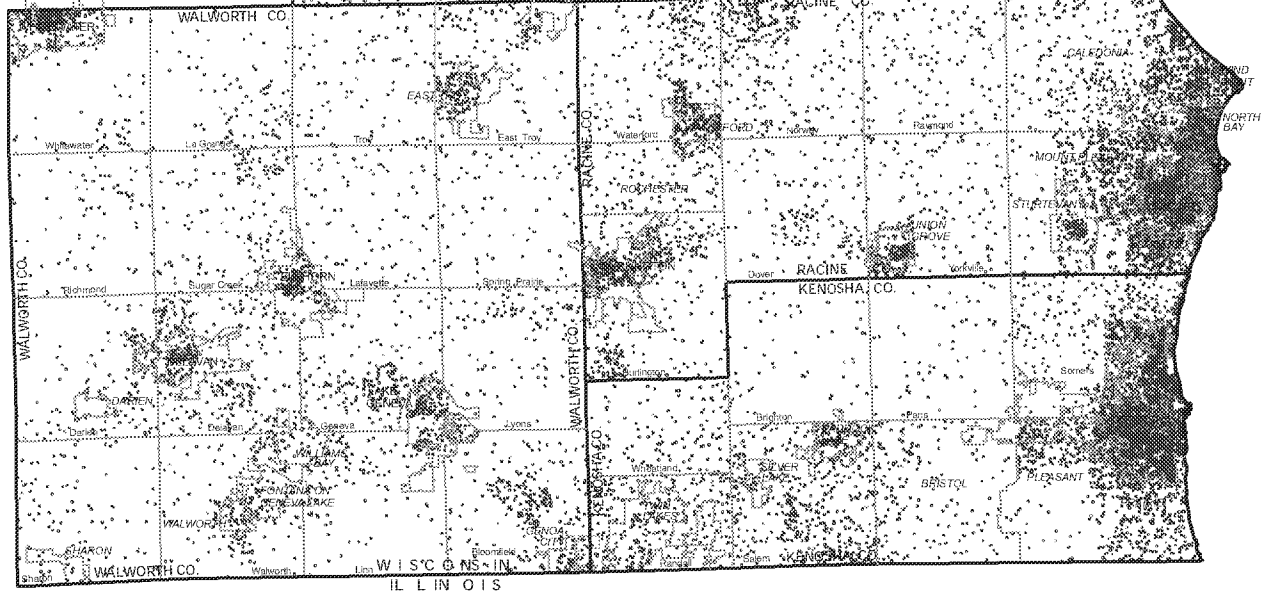
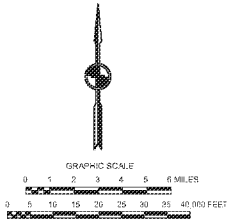
Map 26

POPULATION BY RACE AND ETHNICITY IN THE SOUTHEASTERN WISCONSIN REGION: 2000

1 DOT REPRESENTS 25 PEOPLE

- WHITE ALONE, NOT HISPANIC
- BLACK ALONE, NOT HISPANIC
- ASIAN ALONE, NOT HISPANIC
- SOME OTHER RACE ALONE, OR TWO OR MORE RACES NOT HISPANIC
- HISPANIC

NOTE: MINORITY CONCENTRATIONS IN THE CITY OF FRANKLIN IN MILWAUKEE COUNTY, THE VILLAGE OF STURTEVANT IN RACINE COUNTY, AND THE CITY OF DELAFIELD IN WAUKESHA COUNTY ARE ATTRIBUTABLE TO CORRECTIONAL INSTITUTIONS IN THOSE LOCATIONS.



Source: U.S. Bureau of the Census and SEWRPC.

PRISON POLICY INITIATIVE

PETER WAGNER

Executive Director
main: (413) 527-0845
direct: (413) 961-0002
pwagner@prisonpolicy.org
PO Box 127
Northampton MA 01027
www.prisonpolicy.org
www.prisonersofthecensus.org

July 20, 2015

By email

Karen Humes
Chief, Population Division
U.S. Census Bureau, Room 5H174 Washington, D.C. 20233
pop.2020.residence.rule@census.gov

Dear Ms. Humes,

The Prison Policy Initiative submits this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). Based on our research after the 2000 and 2010 censuses, we urge you to count incarcerated people at home in 2020.

The non-profit, non-partisan Prison Policy Initiative produces cutting edge research to expose the broader harm of mass criminalization, and then sparks advocacy campaigns to create a more just society. And over the last 14 years, our work has focused on the sweeping effects of the Census Bureau's prisoner miscount.

We have found that the Bureau's decision to count incarcerated people at the location of the facility they happen to be at on Census day, rather than at home, has shifted political power to people who live near correctional facilities to the detriment of every resident of this country who does not live immediately adjacent to their state's largest prison complex.

This comment will urge you to accept the argument made by former Census Bureau director Kenneth Prewitt in 2004 that "[c]urrent census residency rules ignore the reality of prison life."¹

This comment presents evidence that the usual residence rule is outdated and produces inaccurate data because of two relatively recent changes: the prison boom and the apportionment revolution that requires decennial redistricting at all levels of government on the basis of population. This comment reviews the harm of prison gerrymandering for our democracy in state legislative, county and municipal districting, and then presents evidence of a national consensus for ending prison gerrymandering. Finally, this comment presents evidence that despite its considerable impact on redistricting and some assumptions to the contrary, measurable effects of the rule's interpretation do not extend to other areas.

We thank you for your attention to this issue, including this call for comments. We take this opportunity to share with you our 14 years of research into the effects of the

¹ Dr. Kenneth Prewitt, Foreword to *Accuracy Counts*, Brennan Center for Justice at NYU School of Law. Available at <https://www.brennancenter.org/publication/accuracy-counts>

Bureau's current interpretation of the residence rule, and urge you to count incarcerated people at home.

The usual residence rule for incarcerated people is outdated and produces inaccurate data.

The Census Bureau's method of counting incarcerated people as residents of the correctional facilities is outdated and inaccurate because both our society and our need for accurate data have changed since the residence rules were first articulated for incarcerated people.

The prison boom has changed the demographic landscape

In the history of this country and the Census, the fact that we lock up such a large portion of our society is relatively new:

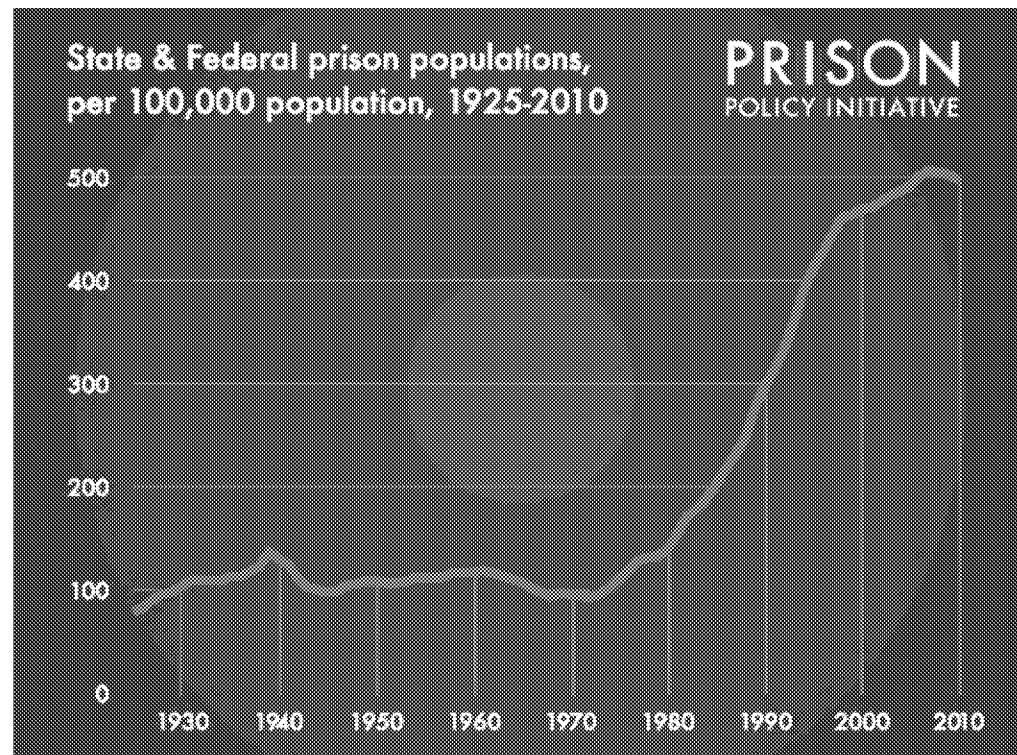


Figure 1. The 1990 Census was the first to register the beginning of mass incarceration. As a result of the Census Bureau's now outdated usual residence rule for incarcerated people, the 2010 Census counted a record portion of our population in the wrong location.

The prison boom began in the 1970s, but its impact on the 1980 Census was, from a national viewpoint, modest. In fact, the Bureau didn't even see it as necessary to mention incarcerated household members on the census form until the 1990 Census. But by 2000, the incarceration rate was more than four times higher than just two decades earlier. So the Bureau's data did not result in a significant harm to our democracy until after the 2000 and 2010 Censuses.

At the last Census, the Bureau counted over 2 million incarcerated people in the wrong place. That in itself is problematic for an agency that prides itself on providing

accurate data, but the significance and disparate impact of that miscount is even greater than it might first appear.

First, while the popular perception may be that most people in prisons and jails are serving long sentences, the opposite is actually true. The typical state prison sentence is only two or three years, and the incarcerated people are frequently shuffled between facilities at the discretion of administrators. For example, statistics in New York State show that the median time an incarcerated person has been at his or her current facility is just over 7 months.² (And the jail population turns over even faster than that in the prisons. At Rikers Island, New York City's jail, the average stay is 57 days.³)

Further, a stark and significant racial disparity in who goes to prison compounds the impact of a growing prison population. Our analysis of 2010 Census data shows that Blacks are incarcerated at 5 times the rate of non-Hispanic Whites, and Latinos are incarcerated at a rate almost two times higher than non-Hispanic Whites.⁴ Within those disparities are greater disparities by age and gender. For example, the incarceration rate for Black men aged 25-29 peaked in 2001 when a shocking 13% of Black men of those ages were incarcerated in federal and state prisons or local jails. By contrast, that same year, only 0.04% of white women aged 45-55 were incarcerated.⁵

For the Census, however, another factor compounds the racial distortions: the enduring and troubling trend to build the prisons in communities that are very different demographically than the people they confine. As discussed in the attached report released last week, *The Racial Geography of Mass Incarceration*, we reviewed the magnitude of the gulf between the incarcerated population and the surrounding counties; finding 161 counties where incarcerated Blacks outnumber free Blacks, and 20 counties where incarcerated Latinos outnumber free Latinos. In many counties, the disparity is particularly stark. We found 208 counties where the portion of the county that was Black was at least 10 times smaller than the portion of the prison that was Black. For Latinos, we found 41 counties where the portion of the county that was Latino was at least 10 times smaller than the portion of the prison that was Latino. These counties are spread throughout a majority of the states:

² New York State Department of Correctional Services, HUB SYSTEM: Profile of Inmate Population Under Custody on January 1, 2008, at ii, available at

http://www.doocs.ny.gov/Research/Reports/2008/Hub_Report_2008.pdf

³ Dana Goldstein, Simone Weichselbaum, Christie Thompson, Eli Hager, Beth Schwartzapfel, Maurice Chamamah, Alysia Santo and Nick Tabor, New York Magazine: Daily Intelligencer, *Inside Rikers Island, Through the Eyes of the People Who Live and Work There*, available at <http://nymag.com/daily/intelligencer/2015/06/inside-rikers-island-interviews.html>

⁴ Leah Sakala, Breaking Down Mass Incarceration in the 2010 Census: State-by-State Incarceration Rates by Race/Ethnicity, Prison Policy Initiative, May 28, 2014 available at <http://www.prisonpolicy.org/reports/rates.html>

⁵ U.S. Department of Justice, Bureau of Justice Statistics, Prison and Jail Inmates at Midyear, 2001, NCJ 191702 (Washington, DC: U.S. Department of Justice, 2002), Table 15.

Maps showing the number and locations of counties where the portion of the county's Black or Latino population was at least 10 times smaller than the portion of the county's incarcerated population that was Black or Latino

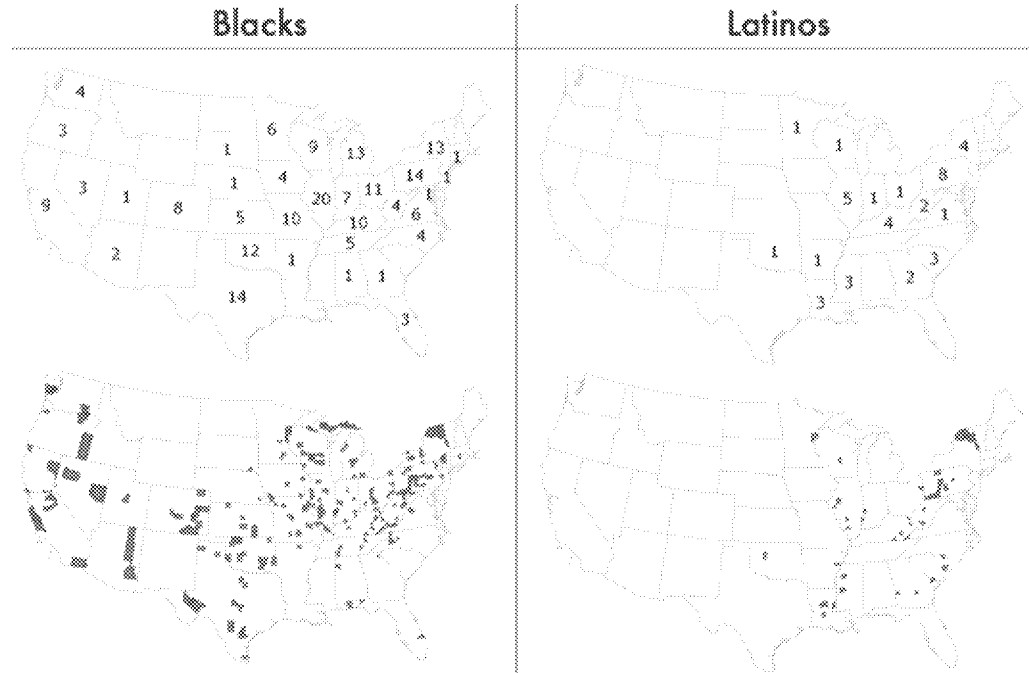


Figure 2. These maps shows where Blacks or Latinos are over-represented by at least 10 times in the prison population compared to the surrounding county. Many of the states without any counties marked on this map are states where counties are less relevant as a unit of analysis (ie. Massachusetts and Rhode Island) or where the Black or Latino population is very small and therefore excluded from our analysis (i.e. Montana). For Latinos, the over-representation is significant in most states but is less dramatic than for Blacks.

Modern requirements of equal representation have created new data users and a need for more accurate data.

The Census Bureau's practice of tabulating incarcerated people as residents of the prison location not only predates the prison boom; it also predates the modern era of redistricting. The early Censuses were primarily concerned with the relative population of each state for the purposes of apportionment. In the 1960s, however, the Supreme Court's "one person one vote" cases, which require regular population-based redistricting at the state and local level, changed that. And the Census Bureau quickly became *the* data source for redistricting because it had the ability to provide accurate data down to the block level.

But it is precisely this need — accurate block level data — that is most dramatically undermined by the Bureau's current interpretation of the usual residence rule. The Census is using a method that tabulates 1% of our entire adult population — and 6.4% of our Black adult male population — in the wrong location.⁶

And to be clear, the statement that it is the "wrong" location is not a moral judgment subject to the eye of the beholder. The common law rule is that a prison cell is not a

⁶ This calculation uses Census 2010 data for the 18+ population for both the incarcerated and total populations.

residence, and the majority of states have explicit constitutional clauses or election law statutes that declare that a prison cell is not a residence.⁷

This “prison miscount” creates serious challenges for democracy at most levels of government

Prison gerrymandering is a problem for all levels of government that contain both a sizable correctional facility and a district form of government. As we will explain below, the problem is most significant in rural districts where a single prison can easily become the majority of a district; but it also creates a consistent misallocation of populations among state legislative districts, and a negative influence on the state-wide public policy decisions that result.

When state legislative district populations are skewed by Census data, for example:

- Seven New York state senate districts drawn after the 2000 Census met minimum population requirements only because they used prison populations as padding.⁸
- In Maryland, one state house district in western Maryland drawn after the 2000 Census drew 18% of its population from a large prison complex.⁹ As a result, every four voting residents in this district were granted as much political influence as five residents elsewhere.¹⁰

The policy and racial justice implications are severe as well, for example:

- Virtually all — 98% — of New York state’s prison cells were located in state senate districts that were disproportionately White, diluting the votes of African-American and Latino voters.¹¹ Similarly, in Connecticut, 75% of the state’s prison cells were in state house districts that were disproportionately White.¹²

⁷ British common law and virtually all states define residence as the place a person chooses to be without a current intention to go elsewhere. In most states, constitutions and statutes go even further, explicitly declaring that incarceration does not change a residence. *See, e.g.*, Ariz. Const. art. VII, § 3; Colo. Const. art. VII, § 4; Minn. Const. art. VII, § 2; Mo. Const. art. VIII, § 6; Nev. Const. art. II, § 2; N.Y. Const. art. II, § 4; Or. Const. art. II, § 4; Wash. Const. art. VI, § 4; Alaska Stat. § 15.05.020(1) (2011); Cal. Elec. Code § 2025 (2011); Conn. Gen. Stat. § 9-14 (2011); D.C. Code § 1-1001.02(2)(D) (2011); Haw. Rev. Stat. § 11-13(5) (2011); Idaho Code Ann. § 34-405 (2011); Me. Rev. Stat. tit. 21-A, § 112(7) (2011); Mich. Comp. Laws § 168.11 (2011); Miss. Code Ann. § 47-1-63 (2011); Mont. Code Ann. § 13-1-112(2) (2011); N.H. Rev. Stat. Ann. § 654:2-a (2011); N.M. Stat. Ann. § 1-1-7(D) (2011); Pa. Cons. Stat. § 1302(a)(3) (2011); R.I. Gen. Laws § 17-1-3.1 (2011); Tenn. Code Ann. § 2-2-122(7) (2011); Tex. Elec. Code Ann. § 1.015(e) (2011); Utah Code Ann. § 20A-2-101(2)(a), -105(4)(c)(iii) (2011); Vt. Stat. Ann. tit. 17, § 2122 (2011).

⁸ Peter Wagner, *Importing Constituents: Prisoners and Political Clout in New York*, Prison Policy Initiative (May 20, 2002), <http://www.prisonpolicy.org/importing/importing.html>.

⁹ *Ending Prison-Based Gerrymandering Would Aid the African-American Vote in Maryland*, (Jan. 22, 2010), <http://www.prisonersofthecensus.org/factsheets/md/africanamericans.pdf>.

¹⁰ *See id.*

¹¹ Peter Wagner, *98% of New York’s Prison Cells Are in Disproportionately White Senate Districts*, (Jan. 17, 2005), <http://www.prisonersofthecensus.org/news/2005/01/17/white-senate-districts/>.

¹² *Ending Prison-Based Gerrymandering Would Aid the African-American and Latino Vote in Connecticut*, (Nov. 17, 2010),

http://www.prisonersofthecensus.org/factsheets/ct/CT_AfricanAmericans_Latinos.pdf.

- Of the seven New York senate districts discussed above, four of the senators sat on the powerful Codes Committee where they opposed reforming the state's draconian Rockefeller drug laws that boosted the state's prison population.¹³ The inflated populations of these senators' districts gave them little incentive to consider or pursue policies that might reduce the number of people sent to prison or the length of time they spend there. One of them, New York state Senator Dale Volker, boasted that he was glad that the almost 9,000 people confined in his district cannot vote because "they would never vote for me."¹⁴

The impact of prison-based gerrymandering on state legislative districting gets the most attention from state policymakers, but the problem is even more significant in rural counties and cities that contain prisons. Their county board districts and city council districts are smaller than state legislative districts, so a single prison can have a massive effect. The most well-known example is in Anamosa, Iowa, where the state's largest prison constituted 96% of the city's second ward.¹⁵ In 2005, there were no second ward candidates for city election, and the winner won with two write-in votes, one cast by his wife and another by a neighbor.¹⁶ Citizen outcry about the unfairness of granting some residents twenty-five times as much political influence as other voters led Anamosa to change its form of city government.¹⁷

The extreme example of Anamosa is far from unique. Other examples include:

- Lake County Tennessee drew a district after the 2000 Census "where 88% of the population in County Commissioner District 1 was not local residents, but incarcerated people in the Northwest Correctional Complex."¹⁸ This gave every group of three residents in District 1 as much say in county affairs as twenty-five residents in other districts.¹⁹
- Half of one city ward in Rome, New York, drawn after the 2000 Census, was incarcerated,²⁰ and the majority of the clout given to the Chair of the Livingston County, New York Board of Supervisors came from claiming incarcerated people as residents of his town.²¹

¹³ Peter Wagner, *Locked Up, But Still Counted: How Prison Populations Distort Democracy*, (Sept. 5, 2008), <http://www.prisonersofthecensus.org/news/2008/09/05/stillcounted/>.

¹⁴ *Id.* (quoting Jonathan Tilove, *Minority Prison Inmates Skew Local Populations as States Redistrict*, Newhouse News Service, Mar. 12, 2002, <http://www.prisonpolicy.org/news/newhousenews031202.html>).

¹⁵ *Enumerating People Living in Group Quarters: Hearing Before the Subcomm. on Info. Pol'y, Census, and Nat'l Archives of the H. Comm. on Oversight and Gov't Reform*, 111th Cong. (2011) (statement of Peter Wagner, Executive Director, Prison Policy Initiative), available at <http://www.prisonersofthecensus.org/news/2010/02/25/fieldhearing/>.

¹⁶ Sam Roberts, *Census Bureau's Counting of Prisoner Benefits Some Rural Voting Districts*, N.Y. Times, Oct. 23, 2008, <http://www.nytimes.com/2008/10/24/us/politics/24census.html>.

¹⁷ *See id.*

¹⁸ Peter Wagner & Aleks Kajstura, *Prison-Based Gerrymandering in Tennessee Counties*, (Sept. 26, 2011), <http://www.prisonersofthecensus.org/news/2011/09/26/tn-memo/>.

¹⁹ *See id.* for more on Lake County and the nine other counties in Tennessee with dramatic instances of prison-based gerrymandering.

²⁰ Editorial, *Our View: Don't Count Prisoners with Voters*, Utica Observer-Dispatch, Feb. 25, 2010, <http://www.uticaod.com/opinion/x1694766272/Our-view-Don-t-count-prisoners-with-voters>.

²¹ *Prison-Based Gerrymandering in Livingston County*, (June 16, 2010), <http://www.prisonersofthecensus.org/factsheets/ny/livingston.pdf>.

- Wisconsin has a number of county and municipal districts where prisons constitute the majority of individual districts. The Waupun City Council drew a district after the 2000 Census that was 79% incarcerated,²² and Juneau County drew a district after the 2010 Census that was 80% incarcerated.²³
- The most troubling example may be from Somerset County Maryland where prison-based gerrymandering made it impossible to elect an African-American.

Somerset County, which until 2010 had never elected an African-American to county government, settled a voting rights act lawsuit in the 1980s by agreeing to create one district where African-Americans could elect the candidate of their choice. Unfortunately, a prison was built and the 1990 Census was taken shortly after the first election, leaving a small African-American vote-eligible population in the district. This made it difficult for residents of the district to field strong candidates and for voters to elect an African-American Commissioner. An effective African-American district could have been drawn if the prison population had not been included in the population count.²⁴

Ending prison gerrymandering would benefit most of the country

Because prison gerrymandering is an issue unlike most Census controversies that operate like a zero-sum game with clear winners and losers, many of the people who benefit in one way from prison gerrymandering lose in another. For example, someone who lives in the state house district with the largest prison might have their votes diluted in their state senate or county commission district because they do not also live in the respective state senate or county commission district with the largest prison.

We've calculated that of the 19 million people in New York state, only 15,300 people simultaneously benefit from prison gerrymandering in their state senate district, in their state assembly district, and in their county legislative district.²⁵ That's less than 0.08% of the state's residents, and of course all 19 million people in New York State benefit when the democratic process improves. And New York isn't alone. We found

²² *Prison-Based Gerrymandering in the City of Waupun, WI*, (Mar. 16, 2011), http://www.prisonersofthecensus.org/factsheets/wi/City_of_Waupun_WI.pdf; see also John Hejduk & Peter Wagner, *Importing Constituents: Prisoners and Political Clout in Wisconsin*, (Mar. 2008), <http://www.prisonersofthecensus.org/wisconsin/local.html>.

²³ See Peter Wagner, *Wisconsin Sees Dramatic Prison-Based Gerrymandering in New State, County, City Districts*, (July 18, 2011), <http://www.prisonersofthecensus.org/news/2011/07/18/wi-districts/>, for a general treatment of county redistricting in Wisconsin after the 2010 Census. Our findings in Juneau have not been published yet at the time of this writing.

²⁴ Brief of the Howard University School of Law Civil Rights Clinic et al. as Amici Curiae Supporting Respondents at 8–9, *Fletcher v. Lamone*, No. RWT-11cv3220 (D. Md. Dec. 23, 2011) (citing “*Maryland Bill*” Podcast Episode #2, (May 27, 2010), <http://www.prisonersofthecensus.org/news/2010/05/27/podcast2/>; *Our View: Fairer Election Districts Ahead*, Daily Times, Apr. 5, 2010, http://www.prisonpolicy.org/news/Delmarva_Daily_Times_MD_4_5_10.pdf; ACLU of Maryland & Somerset County NAACP, *Semper Eadem: “Always the Same”?* (2009), available at <http://www.aclu-md.org/aPress/Press2009/FinalReportwApp.pdf>), available at http://www.prisonersofthecensus.org/fletcher/Final_Fletcher_amicus_with_affidavit_and_service.pdf.

²⁵ Letter from Peter Wagner, Executive Director, Prison Policy Initiative to John Thompson, Director, U.S. Census Bureau, November 6, 2013, on file with the Prison Policy Initiative.

the same thing when we analyzed to Rhode Island's districts. Out of the entire state, only 112 people (0.01% of the state) simultaneously live in the state senate district and the state house district with the largest prison population.²⁶ Everyone else in the state has their vote diluted in one or both chambers as a result of prison gerrymandering.

For these reasons, it should be no surprise that ending prison gerrymandering is popular. Currently, at least 1 in 5 Americans live in a state or local government that has ended prison gerrymandering. New York, Maryland, Delaware and California have passed legislation to end prison gerrymandering statewide. The statutes of Colorado²⁷, Michigan²⁸, and New Jersey²⁹ command some or all their local governments to avoid prison gerrymandering. In Mississippi, the Attorney General instructs counties to avoid prison gerrymandering, while also declaring that the Census Bureau is wrong and that the Bureau should have counted incarcerated people at home:

Inmates under the jurisdiction of the Mississippi Department of Corrections ... are not deemed "residents" of that county or locality, as incarceration cannot be viewed as a voluntary abandonment of residency in one locale in favor of residency in the facility or jail. **For purposes of the Census, these individuals should have been counted in their actual place of residence.** Such inmates should not be used in determining the population of county supervisor districts for redistricting purposes by virtue of their temporary presence in a detention facility or jail in the county, unless their actual place of residence is also in the county.³⁰

Many counties and other local governments that choose to avoid prison gerrymandering on their own must jump through considerable hoops to do so. To be sure, your decision to publish the Advance Group Quarters Summary File as part of the 2010 Census was a tremendous benefit to these jurisdictions, and the fact that you were able to add this product to the design of the 2010 Census *and* publish this file several weeks earlier than the Bureau had told people to expect it were all improvements that cannot be understated. Further, the Director's announcement that in 2020 the Group Quarters Summary File will be included within the PL94-171 Redistricting data will be a great aid in terms of visibility, timeliness and ease of use.

The Census Bureau cannot leave fixing the prison miscount to the states.

However, all of this interest and activity in ending prison gerrymandering does not mean that the Census Bureau can leave this decision to the data users. As you know, the Massachusetts legislature concluded that that state's constitution prohibits it from

²⁶ These 112 people also live in the city council ward with the largest prison population, Cranston Ward 6. For more on these Rhode Island calculations and some maps, see Peter Wagner, How many people benefit from ending prison gerrymandering?, Prison Policy Initiative, August 21, 2014, available at: <http://www.prisonersofthecensus.org/news/2014/08/21/how-many/>

²⁷ Colorado Revised Statutes §30-10-306.7(5)(a) applying to counties.

²⁸ Mich. Comp. Laws § 117.27a (5) applying to cities and Mich. Comp. Laws § 46.404(g) applying to counties.

²⁹ N.J. Stat. Ann. § 18A:13-8; Board v. New Jersey, 372 N.J. Super. 341, 858 A.2d 576 (2004) applying to school boards of nine or more members.

³⁰ Opinion No. 2002-0060; 2002 WL 321998 (Miss. A.G.) Emphasis added.

passing legislation ending prison gerrymandering. For that reason, the legislature sent you an earnest bipartisan resolution calling on you to count incarcerated people at home in the next census.³¹

These ad hoc solutions are even more out of reach for local governments. Many of the most dramatic instances of prison gerrymandering are concentrated in just a handful of states like Minnesota, Tennessee, and Wisconsin, where state constitutions or state law appear to prohibit the cities and counties from adjusting the Bureau's data when drawing their districts without regard to the absurd and undemocratic results. For example, the Minnesota statutes declare "When used in reference to population, 'population' and 'inhabitants' mean that shown by the last preceding federal decennial census"³² This results in cities like Waseca drawing city council districts that are 34.5% incarcerated, giving every 2 residents who live near the prison the political influence on city council of 3 residents in other parts of the city.

To address all of these problems experienced by redistricting data users in state and local governments, the only viable solution is for the Census Bureau to update its interpretation of the residence rule for incarcerated people and count this growing part of our population in the right place — at home.

There is national consensus for ending prison gerrymandering

Over the last fourteen years, a strong national consensus has evolved in opposition to prison gerrymandering. Beyond the actions of state officials covered elsewhere in this letter, the civil rights and good governments groups are speaking with one voice on this issue and the relevant scientific bodies have shown their support.

In 2013, more than 200 civil rights, voting rights, and criminal justice organizations sent the Bureau a letter³³ asking you to seize a timely opportunity to research alternative ways to count incarcerated people in the decennial Census. In 2014, ending prison gerrymandering was principle #3 in the 10 Redistricting Principles for a More Perfect Union endorsed by 16 civil rights and democracy organizations.³⁴

The National Black Caucus of State Legislators declared in 2010 that:

“... THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) believes that the Census Bureau should count incarcerated individuals at their addresses of residence, rather than the address of the prison during the 2020 and all future decennial Censuses;

“BE IT FURTHER RESOLVED, that until the Census Bureau counts incarcerated individuals at their actual residential addresses, the NBCSL

³¹ A copy of the resolution is at <http://www.prisonersofthecensus.org/resolutions/MA-resolution-081414.pdf>

³² Minn. Stat. Ann. § 645.44(8)

³³ Available at <http://www.prisonersofthecensus.org/letters/feb2013.html>

³⁴ Available at <http://www.commoncause.org/issues/voting-and-elections/redistricting/redistricting-principles.html>

encourages states to enact legislation modeled after the Delaware, Maryland, and New York laws...”³⁵

The NAACP has had convention resolutions calling for an end to prison gerrymandering for four consecutive years from 2008 to 2010; and the 2010 resolution concluded:

“THEREFORE, BE IT RESOLVED, that the NAACP reaffirms the 2009 resolution on ending prison-based gerrymandering; and

“BE IT FURTHER RESOLVED, the NAACP will continue to advocate to the United States Congress, the United States Department of Commerce and to the public that the Census count incarcerated people as residents of their last home address; and [...]

“BE IT FURTHER RESOLVED, that the NAACP concludes that until the Census Bureau counts incarcerated people as residents of their homes, the fundamental principle of one person one vote” would be best satisfied if redistricting committees refused to use prison counts to mask population shortfalls in districts that contain prisons; and

“BE IT FINALLY RESOLVED, that the NAACP advocate that the prison population census count not be used in any legislative district at the local, state and federal level.”³⁶

Finally, the Census Bureau’s own advisors on the National Research Council of the National Academies concluded in 2006 that “[t]he evidence of political inequities in redistricting that can arise due to the counting of prisoners at the prison location is compelling”³⁷ and called for you to take immediate steps to develop a solution. Your own appointed Advisory Committees repeatedly urged you to take steps to end prison gerrymandering with recommendations in 2003, 2009, 2010, and 2011.³⁸

Our research shows that (contrary to common assumptions) the prison miscount does not affect three key uses of Census data

After spending many pages on the impact seen from the Census Bureau’s outdated usual residence rule for incarcerated people, we wanted to share three places where some might expect to see an impact but where our research suggests there was none:

1. Apportionment is unlikely to be impacted. In general, apportionment is very unlikely to be affected by the current rule — and by extension — any change in it because most incarcerated people do not cross state lines. Only a few state prison systems send incarcerated people to other states and those arrangements tend to be relatively temporary and difficult to predict, so there is no long-term expected impact from these cross-state transfers. While we

³⁵ Available at <http://www.nbcsl.org/public-policy/resolutions/item/75-law-justice-and-ethics-resolution-lje-11-03.html>

³⁶ Available at http://www.prisonersofthecensus.org/resolutions/NAACP_2010.html

³⁷ Available at <http://www.nap.edu/catalog/11727/once-only-once-and-in-the-right-place-residence-rules>

³⁸ Excerpts and copies of the resolution text available at <http://www.prisonersofthecensus.org/resolutions/>

assume that most people in the federal prison system come from other states, the fact that federal prisons exist in about 37 states means that the net effect is going to be quite small. While it is indeed possible that a change to the usual residence rule for incarcerated people — or any group for that matter — could change apportionment, it is extremely unlikely that the rule for incarcerated people would change apportionment. (And our analysis of the 2000 and 2010 apportionment suggests that it has not in the past.)

2. Congressional redistricting is not affected. Congressional districts are too large (at about 700,000 people) to be significantly impacted by a large prison or even the typical cluster³⁹ of large prisons. As illustrated above, the impact of prison gerrymandering is inversely proportional to the ideal population size of the district. So while a cluster of large prisons typically has a negligible effect on a Congressional district of 700,000 people, the impact of a single 1,000-person prison can be massive in a county commission district of only 1,200 people.
3. Funding formulas are not affected. While Census data is important to many funding formulas, prison populations have very little impact. First, most federal funding formulas are block grants to states for things like Medicaid reimbursement and highways and because most incarcerated people do not cross state lines, there is no impact. Most other federal and state funding formulas are more complex than straight headcount distributions, instead using a sophisticated mix of data. For example, school aid often uses for the population *portion* of the formula not the total population but factors like the number of school age children or the number of pupils enrolled. Similarly, formulas for programs focused on poverty typically use household statistics (which do not include the incarcerated people) or poverty statistics (which are based on household income). The only notable exceptions we've seen are in very small funds destined for rural areas, like programs for impoverished Appalachian communities distributed by the Appalachian Regional Commission, whose formula allows prison hosting communities to get a very tiny additional share of money that probably should have gone to similarly situated rural Appalachian communities without prisons. But in no case were urban communities shortchanged by this small flaw in the way money intended for rural Appalachia was distributed to rural Appalachia. In short, the current rule has not caused a substantial unjustified formula-fund enrichment of rural prison-hosting areas nor has it caused an unjustified reduction in formula funding for urban areas.

Conclusion

We understand that conducting the Census is an important, complicated, and difficult task which underpins the very core of our democracy, and we applaud the Bureau's continual efforts to improve the quality and utility of Census data.

³⁹ The only notable exception is California, where the unique cluster of prisons in the central valley in 2010 created a Congressional district that was 5.7% incarcerated.

We believe that the next step forward for the Census Bureau is to update the usual residence rule for incarcerated people. We hope the Bureau concludes that the 2010 Census should be the last Census in our history to count more than 2 million people in the wrong location. When evaluating the 2010 Census and thinking about what changes should be made for 2020, we urge the Bureau to count incarcerated people at their home addresses.

If my organization can answer any questions or be of any assistance to you in your work, please do not hesitate to contact us.

Enclosure:

The Racial Geography of Mass Incarceration

The Racial Geography of Mass Incarceration

by [Peter Wagner](#) and [Daniel Kopf](#)

July, 2015

Key findings

- Entirely separate from the more commonly discussed problem of racial disparities in who goes to prison, this data addresses a distressing racial and ethnic disparity in where prisons have been built.
- Stark racial and ethnic disparities exist between incarcerated people and the people in the county outside the prison's walls.
- The transfer of Black and Latino incarcerated people to communities very different than their own is a national problem not confined to select states.
- Hundreds of counties have a 10-to-1 “ratio of over-representation” between incarcerated Blacks and Blacks in the surrounding county — meaning that the portion of the prison that is Black is at least 10 times larger than the portion of the surrounding county that is Black.

Introduction

The racial disparities underlying the United States’ record growth in imprisonment are well documented, as is the fact that the prison construction boom was disproportionately a rural prison construction boom. While these two characteristics have been studied separately, there has been, until now, no national effort to analyze each state’s decision to engage in mass incarceration through a racial geography lens.

This report fills a critical gap in understanding the mass incarceration phenomenon: it offers a way to quantify the degree to which in each state mass incarceration is about sending Blacks and Latinos to communities with very different racial/ethnic make-ups than their own. We use data from the 2010 Census to compare the race and ethnicity of incarcerated people to that of the people in the surrounding county, finding that, for many counties, the racial and ethnic make-up of these populations is very different.

This analysis addresses the degree to which each state’s use of the prison is about transferring people of color to communities that are very different from the communities that people in prison come from. This data does not address the bias in policing or sentencing found in individual counties; instead it reflects each state’s political decision to build prisons in particular locations.

We anticipate this analysis will be most useful to answer two questions:

1. Why do some states struggle to hire sufficient Black and Latino correctional staff?
2. To what degree does prison gerrymandering — the practice of using U.S. Census counts of incarcerated people as residents of the prison location for legislative districting purposes — have a disproportionate racial impact in particular states?

In addition, definitively showing that the people incarcerated in some states and counties are very different demographically from the surrounding community is powerful evidence that the people incarcerated there are from somewhere else.¹ This has immediate and profound implications for a number of issues from prison gerrymandering to the need for programs that make it easier for families to visit incarcerated loved ones.

The racial geography of mass incarceration for Blacks

Blacks are incarcerated at a rate about 5 times higher than whites, but prisons are disproportionately located in majority-white areas. This combination has tremendous implications for the prison system's ability to hire appropriate numbers of Black staff, and it gives the problem of prison gerrymandering a distinct veneer of racial discrimination.²

Policymakers have been aware of the problem of racial disparities between staff and incarcerated people at least since the infamous Attica prison rebellion in 1971. Incarcerated people seized the prison, held it for four days, and invited the media in to document their grievances before the state police assaulted the prison, killing 43, all filmed on national television. The striking racial imbalance between the incarcerated people and the guards garnered national attention: the people incarcerated were 63% Black or Latino but at that time there were no Blacks and only one Latino serving as guards. Increasing staff diversity was widely considered important, but progress was very slow because Attica and the hundreds of new prisons built in the subsequent decades were built in rural, disproportionately White, areas of states.

Our national analysis of counties finds that Wyoming County — where Attica and another large New York state prison are located — is not alone. We find that in 2010 there were 161 counties spread across 31 states where the incarcerated Black population outnumbers the number of free Blacks.³

We find a substantial number of counties where the incarcerated populations are largely Black but where Blacks are only a tiny portion of the county's non-

largely Black, but where Blacks are only a tiny portion of the county's non-incarcerated population:

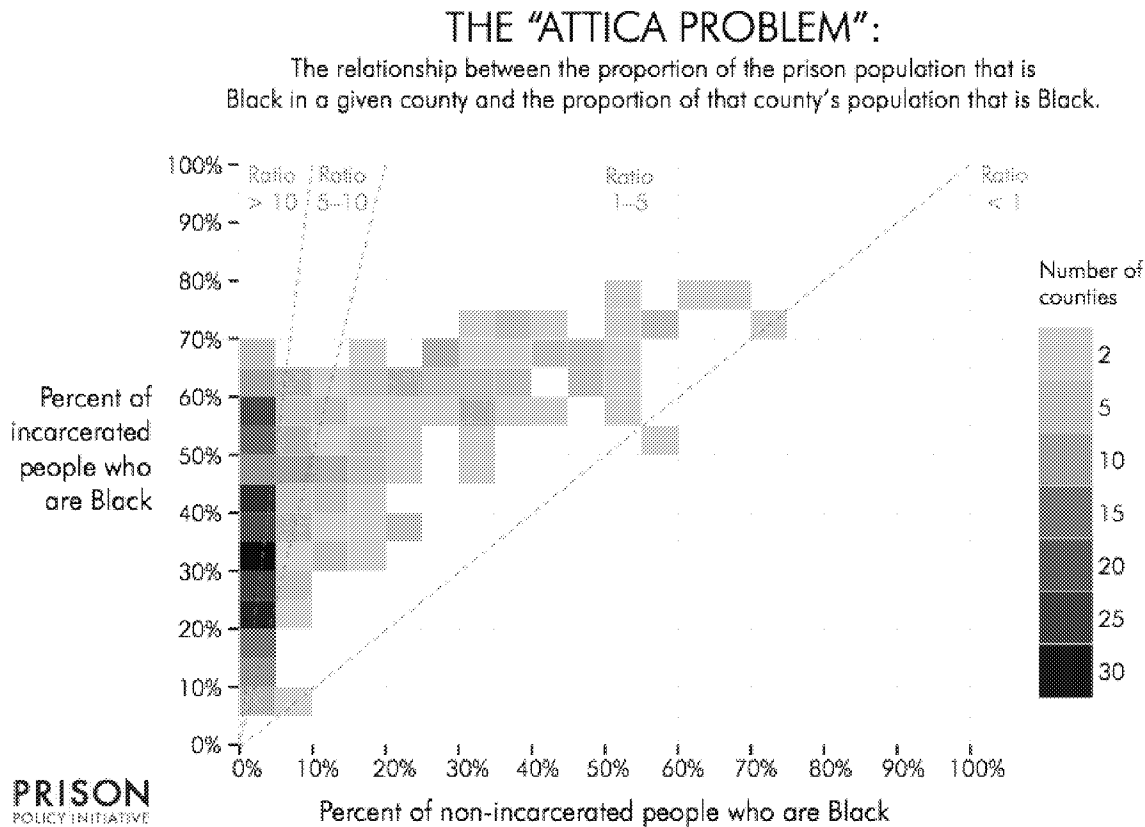


Figure 1. This chart shows that in many counties Black people in prison are overrepresented compared to the portion of Black people in the free population. Notably, many of these counties are concentrated in the far left of the graph; where Blacks make up 20% to 60% of the prison populations yet less than 5% of the free population.

Analysis of the graph reveals two conclusions:

1. The vast majority of counties are in the top left half of the graph, all reflecting that the prisons have proportionately larger Black populations than the surrounding county does.
2. There is a huge concentration of counties with prisons along the left edge of the graph, reflecting that many counties have only very small Black populations while their prisons have much larger Black populations.

To further quantify this distribution, we calculated the degree of racial difference between the incarcerated and non-incarcerated populations in each county. We calculated the ratio of the percentage of each county's incarcerated population that is Black to the percentage of each county's non-incarcerated population that is Black. Higher numbers mean a much larger difference between the two populations. In the 15 counties where the ratio is less than 1, the county's non-incarcerated Black population is proportionately larger than the incarcerated Black population in the county. But the table below quantifies what is seen in the above chart: most counties have a ratio over 1 and 208 counties have ratios of over 10. A ratio of at least 10

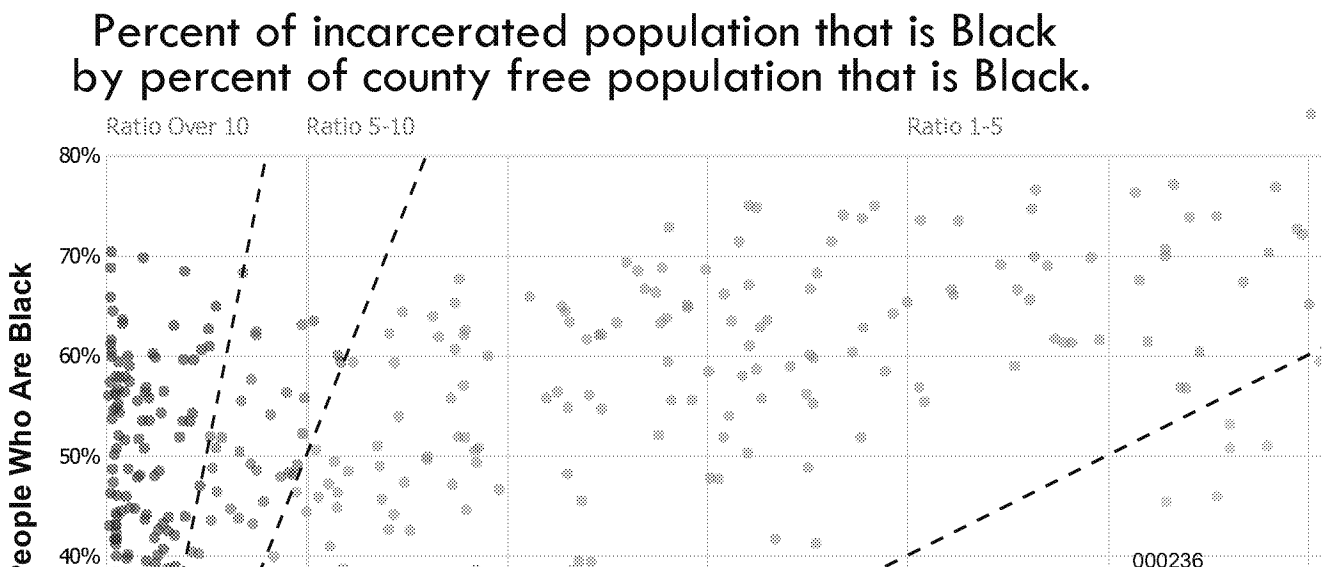
ratio of 10 or more means that the portion of the prison that is Black is at least 10 times larger than the portion of the surrounding county that is Black. For example, Martin County, Kentucky has a ratio of 529, because the 884 incarcerated Blacks make up 56% of the incarcerated population but the 12 Blacks freely living in the county make up only about 0.1% of the county's free population.

Figure 2. Number of counties by ratio of Black over-representation. The 34 states containing counties with ratios over 10 are: Alabama (1), Arizona (2), Arkansas (1), California (9), Colorado (8), Connecticut (1), Florida (3), Georgia (1), Illinois (20), Indiana (7), Iowa (4), Kansas (5), Kentucky (10), Maryland (1), Michigan (13), Minnesota (6), Missouri (10), Nebraska (1), Nevada (3), New Jersey (1), New York (13), North Carolina (4), Ohio (11), Oklahoma (12), Oregon (3), Pennsylvania (14), South Dakota (1), Tennessee (5), Texas (14), Utah (1), Virginia (6), Washington (4), West Virginia (4), and Wisconsin (9).

Ratio Category	Number of counties	Number of states containing those counties
0-1	15	8
1.01-5	194	26
5.01-10	55	23
More than 10	208	34

It is these high-ratio counties — and clusters of high-ratio counties — that make prison gerrymandering such a significant problem for racial justice. This large scale census inaccuracy labels these counties as diverse when they are anything but. When state legislatures use that flawed data to draw legislative districts, they transfer Black political clout to districts where Blacks have little to no voice.

To allow readers and other researchers to explore the details of individual counties, we created this interactive version that allows for looking up individual counties and their respective incarcerated and non-incarcerated Black populations:



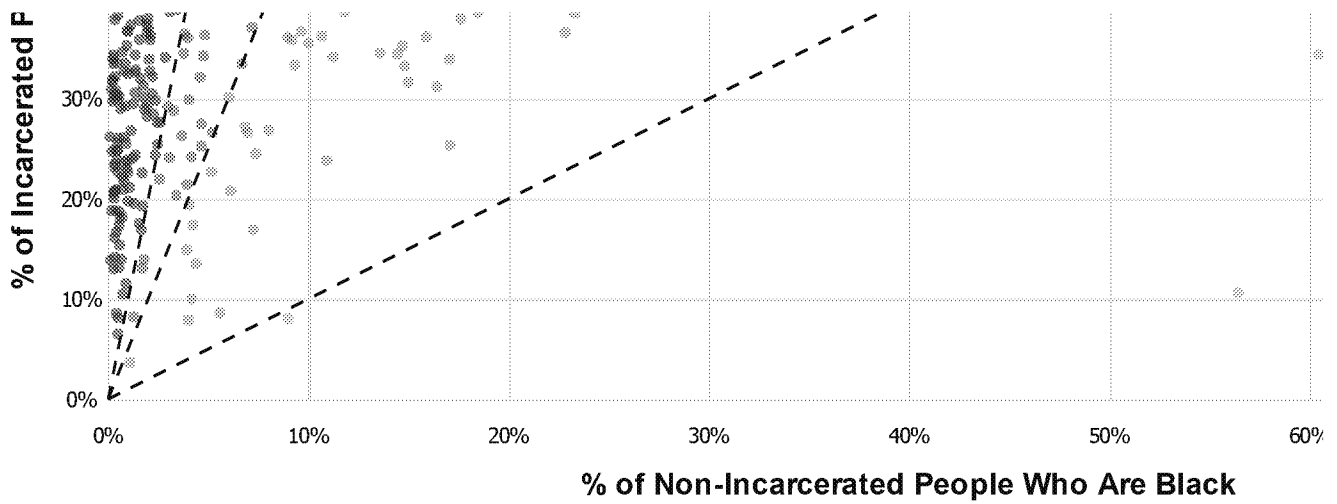


Figure 3. This interactive chart shows the percentage of each county’s incarcerated and free populations that are Black. Click on a dot for the name of the county and the total numbers.

To explore whether the counties with the most dramatic racial disparities between the prison and free populations are concentrated in particular states, we calculated the median ratio of all our analyzed counties by state. We found that Blacks are more likely to be locked up in communities very different than their homes in states such as Michigan or Wisconsin, and least likely in states such as Mississippi:

Blacks are more likely to be locked up in communities very different than their homes in states such as Michigan or Wisconsin

Figure 4. Ranking of states by greatest median disparity between incarcerated Blacks and non-incarcerated Blacks, showing only states that had at least 10 analyzed counties. (For the complete calculations for all states, as well as data on the average and 5th, 25th, 75th and 95th percentiles, see Appendix B: Percentiles of County Ratios by State for Blacks.) And for an alternative way to approach this idea of ranking states, see Appendix D: Portion of each state’s incarcerated population that is incarcerated in disproportionately White counties. For the raw data behind this analysis, see methodology and Appendix A: Counties.

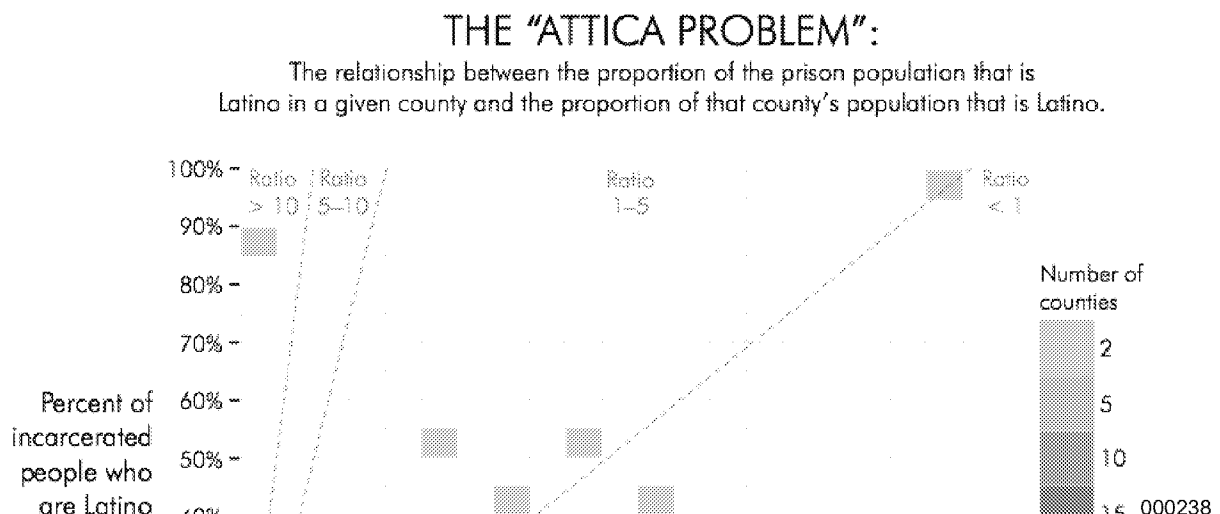
State (Number of Counties Analyzed)	Median Ratio of the percentage of each county’s incarcerated population that is Black to the percentage of each county’s free population that is Black.
Michigan (16)	120.0
Wisconsin (10)	78.5
Pennsylvania (15)	38.7
New York (16)	32.0
Illinois (23)	31.5
Ohio (13)	24.8

Kentucky (15)	24.2
Indiana (11)	23.2
California (12)	19.8
Missouri (16)	14.2
Oklahoma (17)	13.4
Texas (50)	4.5
Florida (30)	4.4
Virginia (24)	3.0
Alabama (10)	2.6
Louisiana (24)	2.2
North Carolina (22)	2.0
Georgia (41)	2.0
South Carolina (11)	1.4
Mississippi (17)	1.4

The racial geography of mass incarceration for Latinos

Latinos are incarcerated at a rate about 2 times higher than non-Latino whites, but prisons are disproportionately located in non-Latino areas. This combination has tremendous implications for the prison system’s ability to hire appropriate numbers of Latino staff, and it gives the problem of prison gerrymandering a distinct veneer of ethnic discrimination.⁴

We find that in 2010 there were 20 counties spread across 10 states where the Latino population that is incarcerated outnumbered those who are free.¹⁰ We also found a substantial number of counties where the incarcerated populations are largely Latino but where Latinos are only a very small portion of the county’s non-incarcerated population:



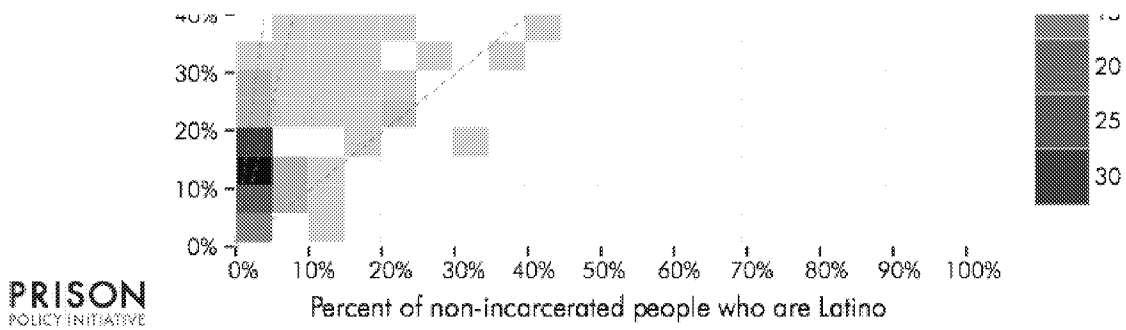


Figure 5. This chart shows that in many counties Latino people in prison are overrepresented compared to the portion of Latino people in the free population. (The outliers on the top right are a Municipality (county) in Puerto Rico and two in Texas, and the outlier counties on the top left are Stewart County, Georgia and Adams County, Mississippi, both of which host large federal immigration detention facilities.

Analysis of the graph reveals two conclusions:

1. The vast majority of counties are in the top left half of the graph, reflecting that the prisons have proportionately larger Latino populations than the surrounding county does.
2. There is a huge concentration of counties with prisons along the left edge of the graph, reflecting that many counties have only very small Latino populations while their prisons have much larger Latino populations.

To further quantify this distribution, we calculated the degree of ethnic difference between the incarcerated and non-incarcerated populations in each county. We calculated the ratio of the percentage of each county’s incarcerated population that is Latino to the percentage of each county’s non-incarcerated population that is Latino. Higher numbers mean a much larger difference between the two populations. In the 50 counties where the ratio is less than 1, the county’s non-incarcerated Latino population is proportionately larger than the incarcerated Latino population in the county. But the table below quantifies what is seen in the above chart: most counties in this study have a ratio over 1, and there are many counties such as Georgia's Stewart County, Illinois' Brown County, or West Virginia's Gilmer County where virtually the entire Latino population is incarcerated.

Figure 6. Number of counties by ratio of Latino over-representation. The 16 states containing counties with ratios over 10 are: Arkansas (1), Georgia (2), Illinois (5), Indiana (1), Kentucky (4), Louisiana (3), Minnesota (1), Mississippi (3), New York (4), Ohio (1), Oklahoma (1), Pennsylvania (8), South Carolina (3), Virginia (1), West Virginia (2), and Wisconsin (1).

Ratio Category	Number of counties	Number of states containing those counties
0-1	50	17
1.01-5	141	31

5.01-10	39	16
Over 10	41	16

It is these high-ratio counties — and clusters of high-ratio counties — that make prison gerrymandering such a significant problem for ethnic justice. This large scale census inaccuracy labels these counties as diverse when they are anything but. When state legislatures use that flawed data to draw legislative districts, they transfer Latino political clout to districts where Latinos have little to no voice.

To allow readers and other researchers to explore the details of individual counties, we created this interactive version that allows for looking up individual counties and their respective incarcerated and non-incarcerated Latino populations.

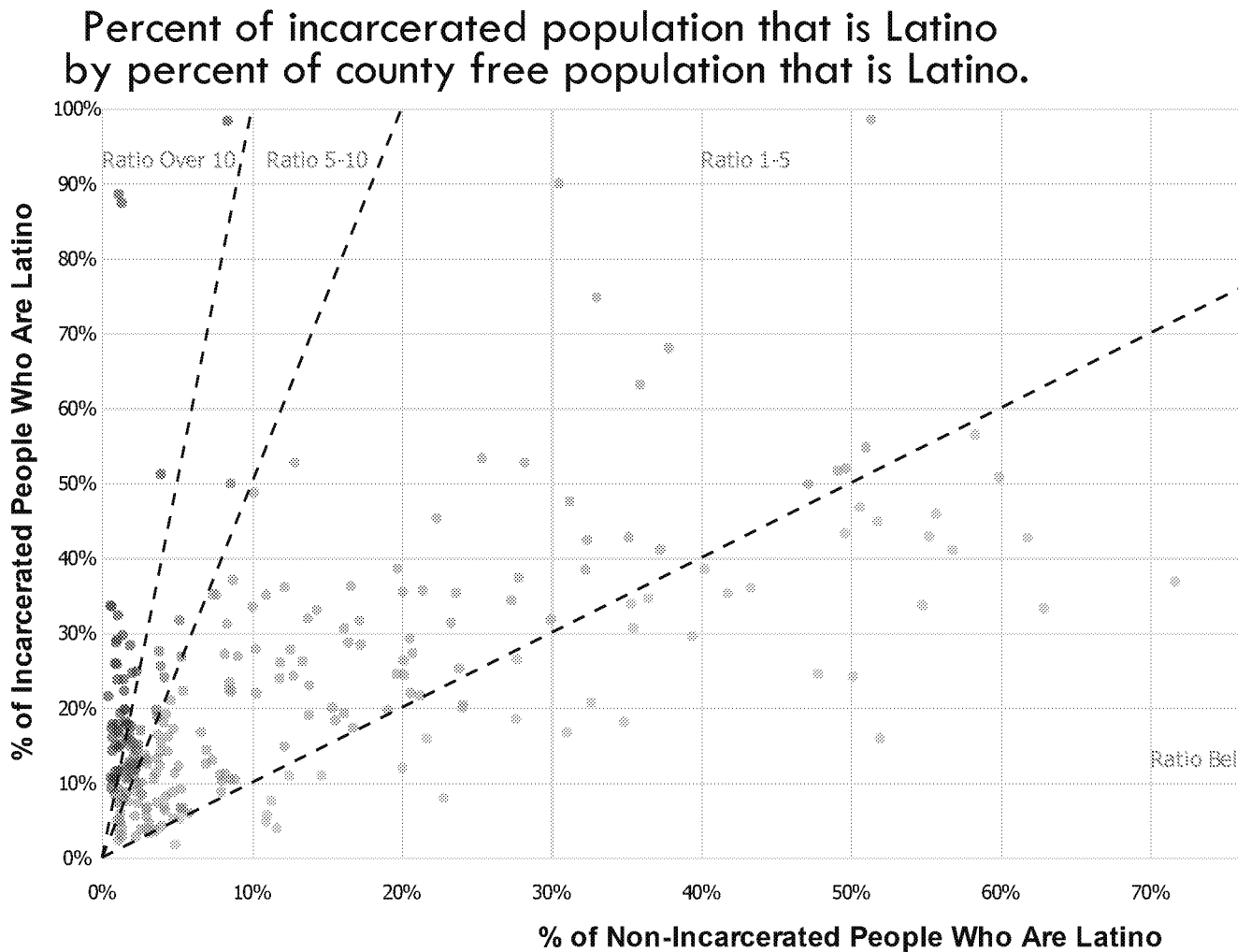


Figure 7. This interactive chart shows the percentage of each county’s incarcerated and free populations that are Latino. Click on a dot for the name of the county and the total numbers.

To explore whether the counties with the most dramatic ethnic disparities between the prison and free populations are concentrated in particular states, we calculated the

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median ratio of all our analyzed counties by state. We found that Latinos are more likely to be locked up in communities different than their homes in states such as Pennsylvania or New York, and least likely in states such as California:

Figure 8. Ranking of states by greatest median disparity between incarcerated Latinos and non-incarcerated Latinos. This table only includes states that had at least 10 analyzed counties. (For the complete calculations for all states, as well as data on the average and 5th, 25th, 75th and 95th percentiles, see the Latino Percentiles appendix table.) And for an alternative way to approach this idea of ranking states, see the incarcerated in disproportionately white counties appendix table. For the raw data behind this analysis, see methodology and Appendix A: Counties.

State (Number of Counties Meeting Filters)	Median Ratio of Counties
Pennsylvania (14)	12.5
New York (16)	7.6
Illinois (20)	7.0
Georgia (10)	3.4
Florida (26)	2.2
Texas (59)	1.2
California (12)	1.2

Conclusion

One of the defining characteristics of mass incarceration in the United States is the racial disparity in who goes to prison. Less discussed but just as important is the shocking racial disparity in where those prisons are built.

Sadly, as Rachel Gandy recently reviewed in her analysis of the racial and ethnic disparities between incarcerated people and the people who staff the prisons, the fact that building prisons in rural areas makes it difficult to recruit appropriate numbers of Black and Latino staff has been well known — and entirely ignored — since long before the prison boom began.

This report reviews the magnitude of the gulf between the incarcerated population and the surrounding counties; finding 161 counties where incarcerated Blacks outnumber free Blacks, and 20 counties where incarcerated Latinos outnumber free Latinos. In many counties, the disparity is particularly stark. We found 208 counties where the portion of the county that was Black was at least 10 times smaller than the portion of the prison that was Black. For Latinos, we found 41 counties where the portion of the county that was Latino was at least 10 times smaller than the portion of the prison that was Latino. These counties are spread throughout a majority of the states:

Maps showing the number and locations of counties where the portion of the county's 000241

Black or Latino population was at least 10 times smaller than the portion of the county's incarcerated population that was Black or Latino

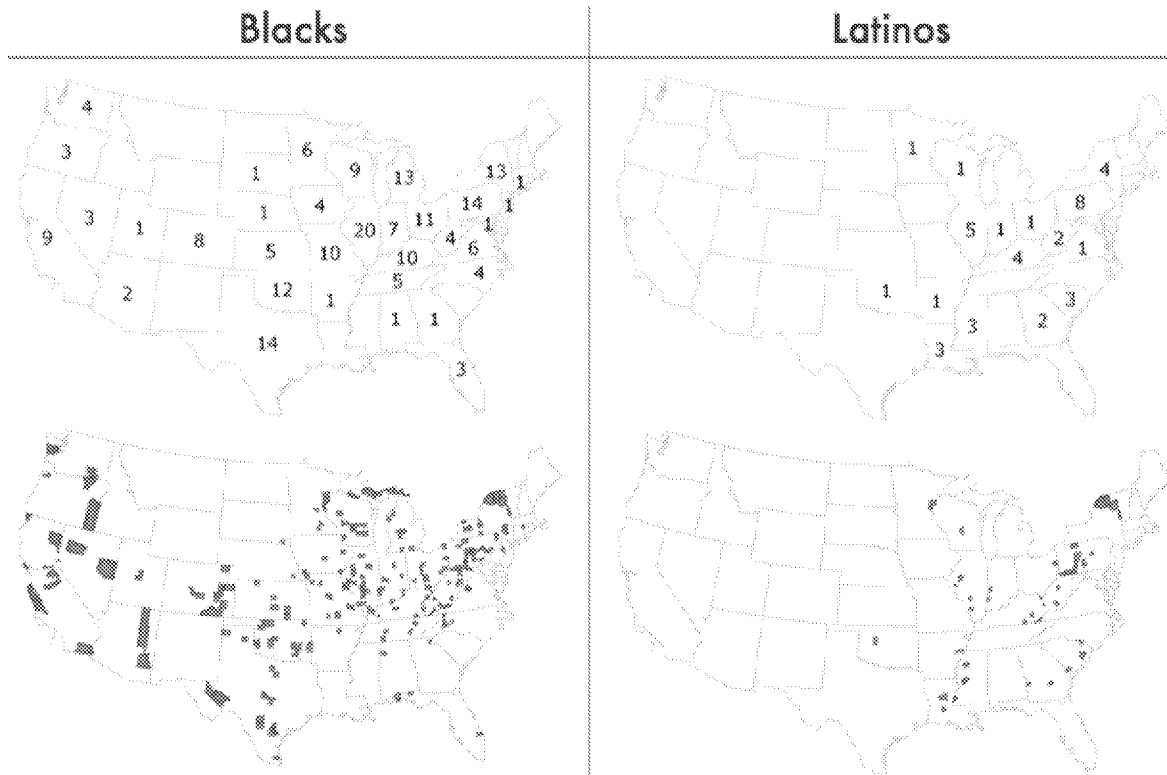


Figure 9. These maps shows where Blacks or Latinos are over-represented at least 10 times in the prison population compared to the surrounding county. Many of the states without any counties marked on this map are states where counties are less relevant as a unit of analysis (ie. Massachusetts and Rhode Island) or where the Black or Latino population is very small and therefore excluded from our analysis (ie. Montana). For Latinos, the over-representation is significant in most states but is less dramatic than for Blacks.

In short, one of the reasons many states struggle to hire sufficient numbers of Black and Latino staff is because the prisons themselves were built in places that Blacks and Latinos do not live.

But this large-scale transfer of Black and Latino people to areas demographically very different than their homes has even larger effects thanks to a unique quirk in the federal Census that counts incarcerated people as if they were willing residents of the county that contains the correctional facility for redistricting purposes.

The racial inequities that result from the practice of prison gerrymandering have been well documented in states like New York and Wisconsin, but as this report makes clear, they are not alone. The transfer of Black and Latino incarcerated people to communities very different than their own is a national problem with implications for prison gerrymandering as well as family visitation policies and reentry.

V. About the Prison Policy Initiative and the authors

The non-profit, non-partisan Prison Policy Initiative produces cutting edge research to expose the broader harm of mass criminalization, and then sparks advocacy campaigns to create a more just society. In 2002, the organization launched the national movement against prison gerrymandering with the publication of Importing Constituents: Prisoners and Political Clout in New York addressing how using Census Bureau counts of incarcerated people as residents of the prison location diluted the votes of state residents who did not live next to prisons in violation of the state constitutional definition of residence.

Peter Wagner is an attorney and Executive Director of the Prison Policy Initiative.

Daniel Kopf is a data scientist in California who volunteers with the Prison Policy Initiative through our Young Professionals Network. He has a Masters in Economics from the London School of Economics.

VI. Methodology

This goal of this report was to quantify the magnitude of the difference of the racial and ethnic makeup between the people incarcerated in a given county and the actual residents of that county.

For this data, we took advantage of a unique quirk in Census Bureau methodology that counts incarcerated people as residents of the county that contains the correctional facilities.

Filters:

While we make all of our data available in an appendix, we applied two filters to the county graphs and tables above to remove from the data what we considered noise:

- Counties where the percentage of the total population that was incarcerated was less than 1.5%. The Prison Policy Initiative discovered for our 2004 report, Too big to ignore: How counting people in prisons distorted Census 2000 that this was an effective filter to remove counties that contained very large jails but no significant state or federal prisons. We wanted to separate out jails because jails tend to confine people for short periods very close to home so these facilities will have much smaller and much less relevant disparities between the facility and the surrounding county. This initial filtering process reduced the number of analyzed counties to 539. (Note the unit of analysis in this analysis was counties, not facilities. We estimate that these counties contained 1,037 prisons.⁵)
- Our analyses of Black disparities remove any county where there were less

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than 100 incarcerated Blacks, and we used a similar filter in the Latino disparities section. In both cases, we wanted to avoid highlighting counties with small populations of non-incarcerated people of color and only slightly larger numbers of incarcerated people of color. While this analysis removes many counties from our analysis — and in particular removes many counties in western states where the Black population is relatively small — it allows us to clearly show that there is a very large number of counties where substantial numbers of people of color are being moved by the prison system to communities very different from their homes.

Additionally, in order to make the distribution pattern in [figures 1](#) and [5](#) clear, we chose not to show the handful of counties where there was only 1 county in that particular “bin”. These handful of outliers were generally the product of unique facilities, such as a private federal immigration prison that was [92% Latino](#) in majority-Black Adams County, Mississippi.

On race and ethnicity definitions

For this project we used the Census Bureau’s conception of race and ethnicity that has two main characteristics:

- Hispanic/Latino origin is an ethnicity separate from race; so people may or may not be Hispanic/Latino in addition to being Black, White, Asian, etc.
- People may be of more than one race, of an “other” race, or of a combination of an “other” race with one or more other races.

The resulting number of possible combinations is quite high⁶, but as the Census Bureau publishes very few data tables that allow one to easily access the race and ethnicity of the incarcerated population, the choices available for use were actually quite limited. We used data that provided for 9 combinations, of which we used only 3 (marked in bold):

- White alone
- **Black alone**⁷
- American Indian or Alaska Native alone
- Asian alone
- Native Hawaiian or other Pacific Islander alone
- Some other race alone
- Two or more races
- **Hispanic or Latinos**⁸
- **White alone not Hispanic or Latino**⁹

Limited in this way by the types of data available for the incarcerated population, we chose to use Census tables that reflected the non-incarcerated population in exactly⁰⁰⁰²⁴⁴

the same way.

Data sources

We used the following data tables from the U.S. Census in our analysis:

- Population: 2010 Census, Summary File 1, Table P1.
- White population (White alone non-Hispanic population): 2010 Census, Summary File 1, Table P5.
- Black population (Black alone population): 2010 Census, Summary File 1, Table P3.
- Hispanic/Latino population: 2010 Census, Summary File 1, Table P4.
- Incarcerated population: 2010 Census, Summary File 1, Table P42.
- Incarcerated White population (White alone, not-Hispanic): 2010 Census, Summary File 1, Table PCT20I.
- Incarcerated Black population (Black alone): 2010 Census, Summary File 1, Table PCT20B.
- Incarcerated Hispanic/Latino population: 2010 Census, Summary File 1, Table PCT20H.

For the non-incarcerated populations, we simply subtracted the incarcerated populations from the total populations of the same race/ethnicity groupings.

For the ratios, we simply found the portion of the incarcerated population that was of a given race or ethnicity and divided this by the portion of a county that was of a given race or ethnicity. For example, if Black people made up of 20% of the incarcerated population, and 40% of the non-incarcerated population. The ratio of over-representation of Black people in prison would be 0.5. By contrast, if Black people made up of 80% of the incarcerated population, and 20% of the non-incarcerated population, the ratio of over-representation of Black people in prison would be 4. Recognizing that other researchers may have alternative ideas on the best way to rank and filter counties and states, we've made [all of this county-level data available](#) so that others may use this data in new ways.

Recommended readings

This report is far from the first or last word on the topic of the political, racial and economic geography of mass incarceration. Some of our favorite articles on these topics are:

- William Nagel, *The New Red Barn: A Critical Look at the Modern American Prison* (New York: The American Foundation, Inc., 1973).
- Calvin Beale, "[Prisons, Population, and Jobs in Nonmetro America](#)," *Rural Development Perspectives* 8, no. 4 (1993): 16-19.
- Calvin Beale, "[Rural Prisons: An Update](#)," *Rural Development Perspectives* 000245

11, no. 2 (1996): 25-27.

- Tracy Huling, “Building a Prison Economy in Rural America” in *Invisible Punishment: The Collateral Consequences of Mass Imprisonment*, ed. Marc Maurer and Meda Chesney-Lind (New York: The New Press, 2002).
- Ruth Wilson Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California*, (Berkeley: University of California Press, 2007).
- Gregory Hooks, Clayton Mosher, Shaun Genter, Thomas Rotolo, and Linda Lobao, “Revisiting the Impact of Prison Building on Job Growth: Education, Incarceration, and County-Level Employment, 1976-2004,” *Social Science Quarterly* 91, no. 1 (2010): 228-244.

Footnotes

1. The inverse, however, is not true. Zoe Gottlieb, a law student at the New York University School of Law, showed that the pattern of shifting prisoners from Black urban cities to rural White towns does not hold in some southern states. The movement of the incarcerated in North Carolina and Georgia does not involve a clear cross-race transfer. Black populations can be found in both rural and urban areas in these states, making the racial geography problem in these states less important than it is elsewhere in the United States. ↵
2. For example, in New York, 98% of prison cells are located in state Senate districts that are disproportionately white. Counting incarcerated people as residents of correctional facilities thus increases the influence of nearby, largely white, residents. ↵
3. Without the filters described in the methodology that removed some counties with smaller facilities and smaller incarcerated Black populations from the analysis, we would have reported 184 counties where incarcerated Blacks outnumber non-incarcerated Blacks. The 161 counties are in these 31 states: Arizona, Arkansas, California, Colorado, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, Washington, West Virginia, and Wisconsin. ↵
4. Earlier Prison Policy Initiative research shows that 7 State House districts in Connecticut were granted significantly more representation in the state legislature because the majority of Connecticut’s prison cells (which disproportionately held Latino and Black residents) were located in these areas. The incarcerated people counted here, however, were from other parts of Connecticut. For example, in State House District 59, 60% of the Latinos counted as constituents were actually incarcerated residents of other parts of the state. ↵
5. To estimate prisons, we counted the number of Census blocks within these

counties that contain a correctional facility of at least 100 people. This methodology excluded 360 census blocks that are likely either jails or small parts of the facilities already included in our estimate. ↵

6. Without the filters described in the methodology that removed some counties with smaller facilities and smaller incarcerated Latino populations from the analysis, we would have reported 33 counties where incarcerated Latinos outnumber non-incarcerated Latinos. The 20 counties are in these 10 states: California, Colorado, Florida, Illinois, Kentucky, Missouri, New York, Pennsylvania, Virginia, and West Virginia. ↵
7. There are 126 possible combinations of race and ethnicity. ↵
8. This category would include Latinos who said they were of just one race, “Black”. ↵
9. This category includes Latinos of any race or races. ↵
10. This category includes people who said they were of just one race, “white” but who said they were not of the ethnicity Latino. ↵



Karen Humes, Chief
Population Division
U.S. Census Bureau
Room 5H174
Washington, DC 20233

July 20, 2015

Comment: Residence Rule and Residence Situations , 80 FR 28950 (May 20, 2015)

Dear Ms. Humes:

Dēmos appreciates the opportunity to submit this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015).

Dēmos is a national public policy organization working for an America where we all have an equal say in our democracy and an equal chance in our economy. Dēmos has been working with state and national groups, redistricting experts, and other stakeholders for nearly a decade to support reform of the Bureau's "usual residence" rule as it applies to incarcerated persons. Dēmos also has served as counsel or co-counsel in many of the legal actions described in this comment.

The Bureau's existing residence rule, as it applies to incarcerated persons, results in serious distortions in how our nation's population is reflected and tabulated for redistricting purposes, and fails to reflect accurately the demographics of numerous communities throughout our country. Because of this outdated rule, some 2 million incarcerated people are being counted in the wrong place for purposes of redistricting, undermining the equal representation principle of the 14th Amendment to the U.S. Constitution. In particular, using this flawed data to draw local and state districts grants the people who happen to live near large prisons extra representation in government, at the expense of voters everywhere else in the jurisdiction.

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To end these distortions and inaccuracies – commonly referred to as “prison gerrymandering” – Dēmos urges the Bureau to revise its Residence Rule to tabulate incarcerated people at their home address, rather than at the particular facility where they happen to be present on Census day.

Dēmos has reviewed and fully endorses the factual background on this issue that is explained in the comment filed by the Prison Policy Initiative, with which we work closely on the issue of prison gerrymandering. To avoid duplication, we will not repeat that background here. Dēmos instead will use this comment letter primarily to discuss some of the insights revealed by past and recent litigation over the issue of prison gerrymandering, and how such litigation reinforces the wisdom of a change in the Census Bureau’s approach to tabulating incarcerated persons.

As background for this discussion, it is useful to refer to the U.S. Supreme Court’s 1992 decision in *Franklin v. Massachusetts*, 505 U.S. 788 (1992). In *Franklin*, the Supreme Court upheld the Census Bureau’s authority and decision to change its method of determining the residence of overseas military personnel. In that case, the Census Bureau advocated for a flexible interpretation of the usual residence rule, arguing that: “[i]t is far too late in the Nation’s history to suggest that enumeration of the population of the States must be based on a rigid rule of physical presence on the census date.”¹

In its *Franklin* ruling, the Supreme Court upheld the Census Bureau’s change in the residence rule so as to count military personnel at their “home of record”. The Court distinguished “usual residence” from mere physical presence, noting that the former “has been used broadly enough to include some element of allegiance or enduring tie to a place.” 505 U.S. at 804. *Franklin* supports the Census Bureau’s authority to change the manner in which it applies its residence rule to particular populations in response to changes in social and demographic factors affecting the rule’s application. In recent years, the Bureau’s current rules on tabulation of incarcerated persons have also proven to be outdated and to require change.

¹ Brief for the Appellants at 17, *Franklin v. Massachusetts*, 505 U.S. 788 (1992) (No. 91-1502), cited in Kirsten D. Livingston & Christopher Muller, Brennan Center for Justice at NYU School of Law, “Home” in 2010: A Report on the Feasibility of Enumerating People in Prison at Their Home Addresses in the Next Census 9 (Feb. 15, 2006), <https://www.brennancenter.org/publication/home-2010>.

Reform laws in New York and Maryland

The inadequacies of the Bureau's current counting rules with respect to incarcerated persons are reflected in the decision of four states, thus far, to reject the Bureau's population data on incarcerated persons, and to require instead that incarcerated persons be tabulated as residents of their pre-prison home addresses. New York, Maryland, California, and Delaware have all enacted legislation requiring this change.² New York and Maryland implemented this change with respect to their states' redistricting after the 2010 Census, while California and Delaware will implement this new approach in response to the 2020 Census. The experiences of Maryland and New York in implementing their reform laws for the 2010 round of have been reviewed and analyzed in a report prepared for Demos by Erika L. Wood, Professor of Law at New York Law School.³

In both New York and Maryland, the reform laws withstood legal challenges. New York's reform law was challenged on state constitutional grounds and was upheld in 2011.⁴ Demos served as co-counsel for individuals and organizations who intervened in the lawsuit to defend the reform. In Maryland, the reform law that counted incarcerated people at their home address in the post-2010 redistricting process came under a federal constitutional challenge. Dēmos, along with the ACLU of Maryland, the Maryland and Somerset County NAACP, the Howard University Civil Rights Clinic, and the NAACP Legal Defense Fund, joined in filing an amicus brief to defend the constitutionality of Maryland's reform law. The three-judge district court agreed that Maryland's law requiring reallocation of incarcerated persons to their home address was fully consistent with the U.S. Constitution. On appeal of that ruling, the U.S. Supreme Court affirmed.⁵

Grappling with prison population in court-ordered plan in Kansas

A three-judge federal district court in Kansas also had to grapple with the distortions caused by application of the usual residence rule to incarcerated persons in 2012, when the Kansas legislature failed to agree on a state legislative redistricting plan. The unique concentration of state, federal and private prisons in the Leavenworth area in Kansas posed a problem for map-

² Cal. Elec. Code § 21003; 29 Del. Code § 804A; Md. Code Ann., Election Law § 8-704; Md. Code Ann., State Gov't, § 2-2A-01; N.Y. Legis. Law § 83-m(13)(b).

³ Erika L. Wood, *Implementing Reform: How Maryland and New York Ended Prison Gerrymandering*, August 15, 2014. The report is submitted as an attachment to this Comment, and is available at <http://www.demos.org/sites/default/files/publications/implementingreform.pdf>.

⁴ *Little v. LATFOR*, No. 2310-2011 (N.Y. Sup. Ct. Dec. 1, 2011).

⁵ *Fletcher v. Lamone*, 831 F. Supp. 2d 887 (D. Md. 2011) (three-judge court), *aff'd*, 133 S.Ct. 29 (2012).

drawers, because combining that population in one district would have meant that a substantial portion of that district would be made up of phantom constituents -- people who are from other parts of the state (or country) and who are not allowed to vote or interact with the community in any other way. The plan proposed by the Kansas House would have done precisely that, resulting in a district with 5,622 incarcerated persons and a population deviation of over 20%. This would have given every four residents of that district the political influence of 5 residents in any other district.⁶

The plan ultimately adopted by the federal district court ameliorated this problem by splitting the Leavenworth facilities among three different House districts instead of concentrating them into one.⁷ Nonetheless, this was still only a partial solution to the problem, because the federal court had no data on the actual home addresses of the persons incarcerated at the Leavenworth facilities, and thus could not assign them to their true residences.

Prison gerrymandering in Cranston, Rhode Island – a constitutional challenge

In 2014, a group of residents of Cranston, Rhode Island, along with the Rhode Island ACLU, filed a federal court challenge to an extreme instance of prison gerrymandering of the City Council and School Committee districts in Cranston, Rhode Island.⁸ Dēmos, the ACLU, and the Prison Policy Initiative are representing the plaintiffs in this case.

Following the 2010 Census, the City of Cranston redrew the districts used to elect City Council and School Committee members. Cranston houses Rhode Island’s only state prison complex, the Adult Correctional Institutions (“ACI”). The ACI contains an incarcerated population of 3,433.⁹

During the public discussions leading up to Cranston’s 2012 redistricting, the members of the City Council were confronted with the question of how and whether to count the incarcerated population of the ACI. At a public hearing on the proposed districting plan, the Council heard

⁶ Peter Wagner and Brenda Wright, “One Last Chance to Avoid Prison Gerrymandering in Kansas,” May 28, 2012, http://www.prisonersofthecensus.org/kansas/one_last_chance.pdf.

⁷ *Essex v. Kobach*, 874 F. Supp. 2d 1069 (D. Kansas 2012) (three-judge court); see also Peter Wagner, “Federal Judges save Kansas from ‘worst prison gerrymander’ award,” June 8, 2012, <http://www.prisonersofthecensus.org/news/2012/06/08/ks-court-maps/>

⁸ See *Davidson v. City of Cranston*, 42 F.Supp.3d 325 (D. R.I. 2014).

⁹ Declaration of William Cooper, *Davidson v. City of Cranston*, Civil Action No. 1:14-cv-00091-L-LDA, April 30, 2015, ¶ 23.

testimony as to the severe distortions that would be created by counting all of the inmates of the ACI in a single ward.¹⁰ In spite of this, the Cranston City Council approved a districting plan that includes the prison population in its base population count and counts the entire population of the only state correctional facility in Rhode Island in a single ward—Ward 6.

Without the incarcerated population, Ward 6 includes only 10,227 residents, compared with 13,000-14,000 persons making up each of the other five city wards. Thus, persons involuntarily incarcerated in the ACI—who are in no sense true “residents” of Ward 6—constitute almost a quarter of the population counted toward Ward 6’s population total. This results in an actual maximum population deviation among all Cranston wards of approximately 28%.¹¹

Put differently, because Ward 6 has significantly fewer actual residents than any of the other five wards, three Ward 6 constituents enjoy more representation and political power in City government than four similar people across the district line.

In response to the filing of plaintiffs’ one person, one vote challenge to the City of Cranston’s districting plan, the City filed a motion to dismiss the complaint, arguing that because the City relied upon U.S. Census Data, the inclusion of the incarcerated population is not subject to constitutional challenge. The District Court disagreed, and explained its reasoning as follows:

[T]he case now before this Court presents an alleged set of circumstances that appears to be justified by neither the principle of electoral equality nor of representational equality. Clearly, the inclusion of the ACI prison population is not advancing the principle of electoral equality because the majority of prisoners, pursuant to the State’s Constitution, cannot vote, and those who can vote are required by State law to vote by absentee ballot from their pre-incarceration address. Consequently, according to Plaintiffs, a full 25% of the population of Ward Six cannot vote in the Ward. . . .

Furthermore, if Plaintiffs’ allegations are true, the prisoners’ inclusion in Ward Six does nothing to advance the principle of representational equality. Nonvoting residents generally have a right to petition elected officials, even if they were not able to vote for them; and they may generally be presumed to have a great interest in the management

¹⁰ Deposition of Steven Brown, Davidson v. City of Cranston, Civil Action No. 1:14-cv-00091-L-LDA, February 25, 2015, 8:4-8:20.

¹¹ Supplemental Declaration of William Cooper, Davidson v. City of Cranston, Civil Action No. 1:14-cv-00091-L-LDA, June 15, 2015, Exh. A-1, Figure 5.

of their municipalities. This is true of minors, noncitizens, college students, and military and naval personnel. . . .

Based on Plaintiffs' allegations, it appears to the Court that the ACI population does not participate in any aspect of the City's civic life. According to Plaintiffs, they cannot send their children to school in Cranston; they cannot visit the City's parks; they do not pay taxes to the City; they do not drive on the City's roads. It is not clear from the information available to the Court at this juncture of the litigation that the prisoners at the ACI's inclusion in Ward Six furthers the Constitutional goals of either representational or electoral equality.¹²

The Court therefore denied the City's motion to dismiss and allowed the plaintiffs to proceed with discovery to flesh out the facts concerning the ACI population and its interaction, or lack thereof, with the community and City officials.

Subsequent discovery in *Davidson v. City of Cranston* has confirmed that the ACI population does not partake in the civic life of the community and is not represented by elected officials in Cranston in any meaningful sense. The overwhelming majority of persons incarcerated in the ACI are not domiciled residents in Ward 6, but remain residents of the communities where they lived prior to their incarceration.¹³ The median length of stay for individuals at the ACI is only 99 days.¹⁴ Incarcerated persons at the ACI did not choose where they would be incarcerated.¹⁵ They cannot voluntarily visit or patronize public or private establishments and cannot participate in the life of the Ward 6 community. Their children are not even permitted to attend Cranston public schools by claiming residence of the parent at the ACI.¹⁶ A significant proportion of ACI inmates are not eligible to vote in City or School Committee elections because they have been convicted of a felony.¹⁷ Those who can still vote typically cannot claim the ACI

¹² *Davidson v. City of Cranston*, 42 F.Supp.3d 325, 331-332(D. R.I. 2014).

¹³ Declaration of William Cooper, *Davidson v. City of Cranston*, Civil Action No. 1:14-cv-00091-L-LDA, April 30, 2015, ¶ 27; R.I. Gen. Laws § 17-1-3.1(a).

¹⁴ *Id.* ¶ 26.

¹⁵ Affidavit of Joseph A. Dinitto, *Davidson v. City of Cranston*, Civil Action No. 1:14-cv-00091-L-LDA, ¶ 4.

¹⁶ See Defendant's Response to Plaintiffs' First Set of Interrogatories, *Davidson v. City of Cranston*, Civil Action No. 1:14-cv-00091-L-LDA, Inter. No. 3.

¹⁷ Affidavit of Caitlin O'Connor, *Davidson v. City of Cranston*, Civil Action No. 1:14-cv-00091-L-LDA, ¶ 4.

as their domicile for voting purposes, but must instead vote by absentee ballot from their pre-incarceration domicile.¹⁸

Discovery in the case has now concluded, and no evidence has been produced that any elected official in Cranston has made campaign visits to the ACI to seek the electoral support of persons incarcerated there or to identify their needs and views about city governance. The City Councilor who represents Ward 6 acknowledged in his deposition that he is unable to identify any group of persons in Ward 6 that is more isolated from the rest of the community than the ACI population.¹⁹ The only correspondence prior to the lawsuit from anyone incarcerated at the ACI that the City could identify was a single letter in 2012, to which no one in city government apparently ever responded.²⁰

Cranston officials are by no means unique in this regard. One researcher conducted a survey of all of the members of the lower house of the Indiana state legislature, asking the following question:

Which inmate would you feel was more truly a part of your constituency?

- a) An inmate who is currently incarcerated in a prison located in your district, but has no other ties to your district.
- b) An inmate who is currently incarcerated in a prison in another district, but who lived in your district before being convicted and/or whose family still lives in your district.²¹

The results were uniform. “Every single one of the forty respondents who answered the question – regardless of their political party or the presence or absence of a prison in their district – chose answer (b).”²² *Id.* A similar survey of Maryland legislators also shows decisively

¹⁸ Deposition of Kimball Brace, Davidson v. City of Cranston, Civil Action No. 1:14-cv-00091-L-LDA, June 22, 2015, 87-90; R.I. Gen. Laws § 17-1-3.1(a).

¹⁹ Deposition of Michael Favicchio, Davidson v. City of Cranston, Civil Action No. 1:14-cv-00091-L-LDA, February 25, 2015, 41:16-41:20.

²⁰ Deposition of Allan Fung, Davidson v. City of Cranston, Civil Action No. 1:14-cv-00091-L-LDA, February 24, 2015, 51-52.

²¹ Taren Stinebrickner-Kauffman, Counting Matters: Prison Inmates, Population Bases, and “One Person, One Vote,” 11 Va. J. Soc. Pol’y & L. 229, 303 (2004).

²² *Id.*

that legislators view incarcerated persons as their constituents based on their home addresses, not based on the location of the prisons where they are incarcerated. The survey asked legislators who they would be more likely to consider a constituent: someone from their district who is incarcerated elsewhere, or someone who is from elsewhere but is incarcerated in their district. Again, virtually all legislators (92%) said they would be more likely to consider persons from their district who are incarcerated elsewhere to be their constituents.²³

As noted at the outset, the facts and legal rulings discussed in this Comment make up only a small part of the vast record of evidence that the Census Bureau's current residence rule, as applied to incarcerated persons, is outdated and no longer accurately reflects the population that it seeks to count. Dēmos urges the Census Bureau, in the 2020 Census, to tabulate incarcerated persons at their pre-prison home addresses.

Thank you very much for the opportunity to submit this Comment.

²³ Representative-Inmate Survey, Senate Education, Health, and Environmental Affairs Committee, Bill File: 2010 Md. S.B. 400 at 22-28. The Maryland researchers found similar results regardless of whether the legislator had a prison in his or her district. The survey also found that legislators are far more likely to receive communications from incarcerated persons whose home community is in their district than from persons who are incarcerated in a prison in the legislator's district.

Dēmos

IMPLEMENTING REFORM

*How Maryland & New York
Ended Prison Gerrymandering*

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*Demos is a public policy organization working for
an America where we all have an equal say in our
democracy and an equal chance in our economy.*

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EXECUTIVE SUMMARY

In 2010 and 2011, Maryland and New York took bold steps to correct the problem known as prison gerrymandering, a problem resulting from the United States Census Bureau's practice of counting incarcerated individuals as residents of their prison cells rather than their home communities. When legislative districts are drawn based on the census numbers, incarcerated individuals become "ghost constituents" of districts that contain prisons. Although in forty-eight states incarcerated individuals cannot vote, have no ties to the local community, are often hundreds of miles from home, and spend an average of just three years in prison, they are allocated to legislative districts in a way that artificially inflates the political power of the districts where the prisons are located, while their home communities—often predominantly poor and minority—suffer the inverse effects of losing representation and voting strength for a decade.

Although the Census Bureau did not change its practice of counting incarcerated individuals in prison on a national level for the 2010 census, Maryland and New York took responsibility for correcting this injustice in their states. In doing so, these two states not only conducted an important experiment in policy innovation, but also demonstrated how various state and local agencies can work together to successfully implement new and important policy reforms to alleviate the problem of prison gerrymandering.

The efforts and coordination by state policymakers, corrections officials, data experts, technicians, planning personnel and lawyers was exemplary and should serve as an inspiration to those across the country who want to take a stand to end this injustice. As a result of their efforts and for the first time in history, the legislative and local districts in Maryland and New York are no longer distorted by prison gerrymandering.

This report provides detailed information about the specific steps Maryland and New York took to implement these new laws based on the 2010 census in conjunction with their redistricting schedules. It details the challenges each state faced as the first in the country to implement this reform—including legal disputes and data deficiencies—and the steps taken to meet and overcome those challenges. It also provides concrete recommendations, based on the experience and expertise of the actors in each state, to assist other jurisdictions in permanently ending prison gerrymandering.

INTRODUCTION

The Problem

Once every ten years, the United States conducts the decennial census to determine the country's population. The U.S. Constitution requires this enumeration in order to determine the apportionment for the U.S. House of Representatives, but today census data are used for wide ranging calculations, research and study, including determining apportionment for state legislative and congressional districts and local political races on the county, city and town level.

Planners of the first U.S. census in 1790 established the concept of "usual residency" to determine where people would be counted on "Census Day"—April 1 of the decennial year. Usual residence was defined as the place where the person lives and sleeps most of the time.¹ As a consequence of the usual residency rule, people who are incarcerated on Census Day are counted as residents of the correctional facility because the census has determined that is where they "live and sleep most of the time."

Once the census is complete, states and localities use the data to draw legislative districts for Congress, the state legislature and local government. As local populations shift and move, congressional, state, county and municipal legislative districts must be redrawn to assure that each district has roughly equal population. This in turn protects the principle of "one person, one vote," assuring that every voter has equal representation in our government.²

Because the census data count people in prison as residents of the prison, incarcerated individuals are grouped together with non-incarcerated individuals living in the surrounding community to form legislative districts. However, the vast majority of incarcerated individuals cannot vote while in prison and they have no ties to the local community beyond being sent there by the Department of Corrections.³ Consequently, people in prison become "ghost constituents" to whom the legislator from the district has no connection or accountability, but whose presence in the prison allows the legislator's district to exist. The voting strength of the actual constituents who live adjacent to the prison is unfairly inflated simply because of their proximity to a correctional facility. This phenomenon is called "prison gerrymandering."

Over the last four decades incarceration rates in our country have skyrocketed, increasing by 400% since 1970.⁴ From 1925 to 1970, the incarceration rate remained remarkably stable, hovering around

110 per 100,000 of the population.⁵ But beginning in the 1970s and increasing dramatically through the next few decades, the nation enacted stiffer sentencing and “tough-on-crime” laws. The result is that today there are approximately 1.6 million people in state and federal prison in the United States, eight times as many as there were in 1970.⁶ The census applying the “usual residency” rule throughout this period results in more than a million incarcerated individuals in our country being deemed residents of their prison cells rather than their home communities to which most will return in less than three years.⁷

The inverse to this skew in the prison districts is the erosion of voting strength in the home communities—often located many miles away—to which most incarcerated individuals return. Every person counted in prison on Census Day is one fewer resident counted in the home community, which is often disproportionately urban, poor and minority. The result is fewer voices and fewer votes to demand accountability and representation by local officials. As the prison districts artificially inflate, the representation of home communities declines.

A similar imbalance occurs between neighboring districts. A district that contains a prison will have inflated voting strength compared to a neighboring district without a prison, creating inequalities between residents of neighboring communities.

Prison gerrymandering has other troubling implications. A legislator whose district depends on the people incarcerated in a correctional facility to meet its population requirement has every incentive to keep that prison not just open, but filled to capacity. This incentive may influence the legislator’s positions on criminal justice policies and sentencing laws. For example, two of the most vocal opponents to reforming New York’s stiff drug sentencing laws were Republican senators whose districts held more than 17% of the state’s incarcerated population;⁸ nearly a third of the individuals in one of these districts were incarcerated on drug related offenses.⁹

Two States Illustrating the Problem: Maryland and New York

Maryland

The average number of people incarcerated in Maryland state correctional facilities is approximately 22,000.¹⁰ Sixty-eight percent of incarcerated individuals come from Baltimore City, but approximately 85% of Maryland’s 28 correctional facilities are located in rural or suburban communities outside of Baltimore.¹¹ The average

distance of each facility from Baltimore is 60 miles, and five facilities are more than 100 miles away;¹² this in a state that is only 12,000 square miles. More than 98% of people incarcerated in Maryland will be released, and most after just a few years.¹³ The average length of time served in Maryland state prisons is only 2.5 years.¹⁴

This prison geography creates a significant political imbalance. For example, in Somerset County, a large prison was 64% of the county's First Commission District, giving each resident in that district 2.7 times as much influence as residents in other county districts.¹⁵ Similarly, 18% of state delegate District 2B in Washington County was incarcerated, giving every group of four state District 2B residents as much political influence as five residents elsewhere in the state.¹⁶ Of the 5,268 African-Americans in state District 2B, 90% are incarcerated.¹⁷

New York

For decades, the distortion created by prison gerrymandering was particularly severe in New York. Approximately three-quarters of New York's prisons are located more than 100 miles from New York City; in fact, more than 60% are located over 200 miles from the City, and over a third are located more than 300 miles from the City.¹⁸ The Prison Policy Initiative's analysis of the 2000 redistricting cycle found that 66% of New York State's prisoners were from New York City,¹⁹ but 91% were incarcerated upstate.²⁰ While the state's prison population was 77% African-American or Latino, 98% of the state's prison cells were located in disproportionately white state Senate districts.²¹ Moreover, although the prisons themselves look permanent, the people confined there are quite temporary. According to New York corrections data, "the median time that an incarcerated person has been at his or her current facility is just over [seven] months."²²

The policy of basing legislative districts on prison populations creates an imbalance not just between upstate and downstate communities, but also between upstate communities with prisons and upstate communities without prisons. A district that includes a prison has inflated voting strength compared to any other district without a prison, including one right next door.

For example, in the districts drawn after the 2000 census, New York Senate District 45 gained extra influence by using almost 13,000 incarcerated people to inflate its population, giving residents of the district more influence than residents of other districts, including neighboring rural District 43 which contained no state

prisons.²³ The small upstate city of Rome had a city council ward that was 50% incarcerated, giving the residents of that ward twice the influence over city affairs as residents in other parts of the city.²⁴

During the 2000 redistricting cycle in New York, the New York Senate interpreted the redistricting formula provided by the New York State Constitution to require 62 senate districts, each of which should have held approximately 306,000 people.²⁵ According to the Supreme Court's one-person-one-vote principle, each district should have equal population so that each resident will have the same electoral power as any other resident elsewhere in the state. A 10% total deviation from absolute population equality (plus or minus 5% for any individual district) is generally permissible for state legislative districts. But drawing the new senate districts based on Census Bureau data that allocate people in prison as "residents" of the prison location meant that several districts in New York were padded with individuals who were not considered legal residents for any other purpose, and who could not vote locally.²⁶ Indeed, while nominally within the permitted 10% deviation, seven New York state senate districts drawn after the 2000 census met minimum population requirements only by including incarcerated people who were residents of other communities.²⁷

New York Under-Populated Senate Districts after 2000 Redistricting²⁵

Senate District	Senator	Type	Reported Population	Prisoners to remove	Corrected Population	Corrected Deviation
45	Ronald Stafford	Rural	299,603	12,989	286,614	-6.36%
47	Raymond Meier	Rural	291,303	3,563	287,740	-5.99%
48	James Wright	Rural	290,925	5,291	285,634	-6.68%
49	Nancy L. Hoffman	Rural	291,303	2,881	288,422	-5.77%
51	James Seward	Rural	291,482	3,108	288,374	-5.78%
54	Michael Nozzolio	Rural	291,303	3,551	287,752	-5.99%
59	Dale Volker	Rural	294,256	8,951	285,305	-6.79%

The Solutions

Solutions at the National Level

The most obvious solution to the inequity and imbalance caused by prison gerrymandering is for the Census Bureau to count people who are in prison as residents of their home communities, rather than where they are incarcerated. By allocating people in prison to their home communities, the Census Bureau would provide accurate population data that states and localities could use to design fair, accountable districts. Recently, more than 200 organizations signed a letter urging the Census Bureau to conduct the research necessary to ensure that the 2020 census counts incarcerated people at their home addresses.²⁹ In addition, the Census Bureau's Center for Survey Measurement released an ethnographic study of the 2010 count of the jail and prison group quarters population, which includes a recommendation that the Census Bureau create a self-enumeration pilot study to determine the utility of prison inmates completing their own census forms.³⁰

In 2011, for the first time, the Census Bureau released the Advanced Group Quarters data to the states earlier in the redistricting cycle. Traditionally, the first counts of people in "group quarters"—which include prisons—were not available until the summer of the year after the census, too late to be useful for redistricting in most states. In 2000, even states that were aware of the problems caused by prison gerrymandering were unable to correct the data because they did not have access to the group quarters data at the time they were apportioning their residents for districts.

In response to requests by advocates and the Congressional Subcommittee on Information Policy, census and National Archives, the Census Bureau released its group quarters data in April 2011, significantly earlier than it had in previous decades. While this data did not include home address information, its earlier release allowed states and localities that were interested in adjusting the incarcerated population to have access to crucial data necessary to do so. The Census Bureau explained, "This decade we are releasing early counts of prisoners...so that states can leave the prisoners counted where the prisons are, delete them from the redistricting formulas, or assign them to some other locale."³¹

State Solutions

The early release of the Group Quarters data made it easier for more states and localities to avoid prison gerrymandering when redistricting. Legislation to end prison gerrymandering has been introduced in 17 states since the start of 2010,³² and over 200 counties and municipalities now avoid padding local government districts with incarcerated populations.³³

In the last few years, California, Delaware, Maryland and New York passed laws to reallocate people in prison back to their home communities.³⁴ California and Delaware will implement their new laws after the 2020 census, but Maryland and New York were able to implement their new laws in time for the 2010 redistricting cycle. Accordingly, the experience of Maryland and New York in implementing their reform laws after the 2010 census is examined in depth below.

Summary Comparison of New York and Maryland Reform Laws³⁵

	New York	Maryland
Applies to state legislative districts?	YES	YES
Applies to congressional districts?	NO	YES
Applies to local districts?	YES	YES
Applies to state prisons?	YES	YES
Applies to federal prisons?	YES for subtraction NO for reallocation	YES
Specifies implementing agency?	YES	NO
Directs correctional system to provide specific data?	YES	NO
Out-of-state and unknown addresses allocated?	NO—excluded from dataset	YES—allocated to correctional facility

I. MARYLAND'S SOLUTION: THE NO REPRESENTATION WITHOUT POPULATION ACT

In April 2010, Maryland's governor signed into law the No Representation without Population Act, H.B. 496.³⁶ The No Representation without Population Act required that the population count used to create legislative districts for the General Assembly, counties and municipalities, as well as for the U.S. House of Representatives, not include individuals incarcerated in state or federal correctional facilities or those individuals who were not residents of the state before their incarceration.³⁷ The Act further required that incarcerated individuals be allocated to their last known residence before incarceration if the individuals were residents of the state. Maryland's law was broader than New York's law, in that it applied to both state and federal prisons and applied to congressional as well as state and local legislative districts.

1. Implementation of Maryland's Reform Law

a. State Redistricting Law

Under the Maryland Constitution, the governor must prepare a plan for state legislative districts and present it to the President of the Senate and the Speaker of the House of Delegates.³⁸ The president and the speaker must introduce the governor's plan as a joint resolution no later than the first day of the regular legislative session in the second year following the census.³⁹ If a redistricting plan is adopted by the 45th day after the opening of the legislative session, that plan becomes law.⁴⁰ If no plan is adopted by the 45th day, then the governor's plan becomes law.⁴¹ Maryland law provides no specific guidance on the procedure for enacting a plan for congressional districts; the plan for congressional districts is introduced as a regular bill that must be passed by both houses and signed by the governor, subject to veto power.⁴²

The Governor's Redistricting Advisory Committee (GRAC) reviews redistricting plans submitted by outside groups and makes district plan recommendations to the governor.⁴³ The Maryland Department of Planning (MDP) provides staff support to the governor's office and GRAC, preparing maps and data, producing statistical data reports, and providing communications and outreach needed to develop redistricting plans.⁴⁴

b. Agency in Charge

The first step in implementing Maryland's No Representation without Population Act was to determine who would be responsible for the implementation since the legislation did not specify the agency that would be in charge of reallocating individuals to their home address. Because MDP had provided support for previous re-districting cycles and already employed a technical team of data and geocoding experts, it was determined that MDP, with the assistance of the Department of Legislative Services (DLS) and the Department of Public Safety and Correctional Services (DPSCS), would conduct the geocoding. There was also legal authority for MDP to act as the implementing agency: (1) the State Finance and Procurement Article of Maryland's code designates MDP as the staff agency of the governor for planning matters;⁴⁵ and (2) MDP has a Memorandum of Understanding with the U.S. Census Bureau designating it as Maryland's census agency.⁴⁶

c. Regulations

MDP proposed draft regulations that would provide additional guidance and details on how to implement the new law. For example, the law did not define "last known residence" or provide guidance on the steps necessary to geocode the data. "Geocoding" is the process of locating geographic coordinates from data such as a street address. Geocoding takes an address, matches it to a street and specific segment (usually a "block"), and then inserts the position of the address within that segment.⁴⁷ Once the geographic coordinates are located, the address can be mapped and entered into a Geographic Information System (GIS) to allow technical staff and policymakers to draw legislative districts.

The redistricting timeline did not allow MDP the approximately six months it usually takes to adopt regulations in Maryland, so it adopted regulations on an expedited basis to allow it to adjust the data in time for the state's redistricting deadline. Although the regulations were adopted through an expedited schedule, MDP thoroughly vetted the regulations, seeking input from DLS, the Attorney General's office, DPSCS, and MDP technical staff.

The regulations adopted by MDP filled in some additional detail to help the technical staff determine how to allocate incarcerated individuals. For example, the regulations clarified that "incarcerated individuals" included only those detained in state and federal correctional facilities, and not local (i.e., county or city) facilities, or those whose last known address was out of state.⁴⁸ They also

provided some additional guidance on how to geocode the last known residence of incarcerated individuals, requiring the department to make “reasonable efforts” to correct any last known address that was “ungeocodable”, including: verifying and correcting the zip code against the U.S. Postal Service zip code locator; correcting misspellings of city and street names; correcting or adding street suffixes against the postal service zip code locator, correcting street direction using the US postal service zip code locator, removing extra information from the address field, removing the apartment number and removing any decimal points in the address.⁴⁹

The regulations further provided that if, after these reasonable efforts, MDP was still unable to geocode the last known address for an incarcerated individual by February 11, 2011, then the last known address “shall be the state or federal correctional facility where the individual is incarcerated.”⁵⁰ This created another difference between the Maryland and New York laws: in New York, a person with an unknown address was simply not allocated to any legislative district, while in Maryland the person would be allocated back to the district that contains the prison.

Finally, the regulations provide examples of “ungeocodable” addresses, including: no address or an address of “homeless,” address of a correctional facility, rural route address, post office box, address with no house number, addresses with multiple errors or no street suffix, and addresses that are incorrect or not included in the census bureau’s TIGER street centerline file used to geocode addresses.⁵¹

d. Federal Prison Data

Implementation of the statutory provision to reallocate people in federal correctional facilities met with some resistance from the Federal Bureau of Prisons (BOP). In July 2010, MDP requested from the BOP an electronic database containing a unique prisoner identifying number and the address of the last known residence before incarceration for every inmate housed in the one federal prison located in Maryland on April 1, 2010.⁵² The BOP would not release the information, citing the Privacy Act of 1974,⁵³ and explaining that “the release of the requested information could constitute an unwarranted invasion of the individuals’ personal privacy.”⁵⁴ Despite two appeals, the BOP refused to release the information.

MDP determined the number of people in the federal prison by examining the 2010 census block level data for the facility and concluded that 1,514 federal prisoners were in these census blocks.⁵⁵ MDP also examined the weekly population report from the Federal

Bureau of Prisons available on the BOP's website.⁵⁶ In accordance with the regulations, the federal inmates remained allocated to the census blocks where the correctional facility was located.⁵⁷

e. State Prison Data

MDP and DLS reached out to the Maryland Department of Public Safety and Correctional Services (DPSCS) to request inmate address information after passage of the Act. DPSCS formed a team consisting of case managers at each facility as well as database technicians to work on collecting and organizing the necessary data.

To gather the data required by the No Representation without Population Act, DPSCS first consulted its own database—the Offender Based State Corrections Information System (OBSCIS)—that maintains demographic and other information concerning inmates confined in Maryland correctional facilities.⁵⁸ The OBSCIS system was used to determine which inmates were confined in Maryland correctional facilities on Census Day, April 1, 2010. The list of inmates was then separated into two additional lists: one for those listed as Maryland residents and one for those listed as out-of-state residents.⁵⁹ These lists were forwarded to the correctional facilities where the inmates were incarcerated so the data could be reviewed for accuracy and so that missing address fields could be completed and inaccurate fields could be corrected.⁶⁰ Each correctional facility then completed and corrected the missing and inaccurate address fields, relying on three sources: (1) an interview with the inmate and sometimes his or her family; (2) the pre-sentence investigation document; or (3) the correctional facility intake form.⁶¹ The corrected information was then entered into one database that was provided to MDP.

On February 4, 2011, MDP received a computer database from DPSCS containing address records for 22,064 inmates who were under the supervision of the Division of Corrections on April 1, 2010, Census Day.⁶² There were some inconsistencies in the way DPSCS categorized and recorded data regarding inmates' race, and the categories used by the U.S. census. DPSCS collected only five categories of race: White, Black, American Indian, Asian and "unknown."⁶³ Notably, the DPSCS data did not have a category for Hispanic or Latino, "two or more" races, Native Hawaiian/Pacific Islander, or the "other race category" as used in the census. Because of the inconsistency in the demographic categories, MDP analyzed the proposed districts with unadjusted numbers for Hispanics and certain racial groups. MDP concluded that because of the small

number of people involved, the inconsistency in data was not statistically significant.⁶⁴

f. Geocoding and Reallocation

Once the address data were received, the implementation task was handed over to the MDP data experts for geocoding. The first task was to examine the data to assure that only addresses approved by the statute were used in the reallocation process. MDP examined the data and removed addresses for pretrial detainees, people in juvenile facilities and those serving home detention, none of which were “correctional facilities” under the statute. During this process, MDP also removed 1,321 out-of-state addresses that were clearly excluded by the statute, and missing or invalid addresses such as “homeless” or post office boxes. MDP staff labeled these entries “discarded addresses”—3,358 in total—and removed them from the database.⁶⁵

Once the “discarded addresses” were removed, the geocoders were left with 18,706 “assumed geocodable” records.⁶⁶ MDP then conducted a second review of this remaining data to identify incomplete or incorrect address fields.⁶⁷ Staff first focused on easily correctable items, such as misspelled or abbreviated city names or incorrect abbreviations for extensions. They then turned to making other corrections, such as missing or incorrect zip codes and incorrect street names, which took a bit more research. To correct these fields, MDP consulted maps of municipal boundaries and zip codes, census TIGER files and MDiMap, an online mapping site maintained by the state of Maryland. In the end, only 12% (2,337) of the records required some type of correction.⁶⁸

After making these corrections, MDP geocoded the remaining data using ESRI GIS software and the U.S. Census Bureau’s 2010 TIGER/line street file for Maryland as the basis for the address locator. The database produced 17,140 addresses geocoded to the person’s last known residence, representing 77.7% of the original 22,064 in the database of prisoners received from DPSCS.⁶⁹ A total of 6.0% of the original prisoners had been identified as out-of-state residents and successfully removed from the redistricting dataset under the statute, bringing the successful reallocation to 83.7%.⁷⁰

g. Adjustment

In late February 2011, once MDP had completed its geocoding, it transferred the data to DLS. DLS had contracted with the Caliper Corporation, developer of Maptitude (a software program widely used to create legislative districts) to assign the geocoded incarcerat-

ed individuals to the appropriate census blocks. Using its Maptitude software, Caliper first removed the incarcerated individuals from the census blocks where the correctional facilities were located.⁷³ Caliper then assigned each geocoded address to its appropriate census block. Caliper generated tracts and blocks and determined the increase and decrease in population.⁷² This process also served as an independent review of MDP's geocoding.

MDP's and DLS's timeframe for adjusting the census data was informed in large part by the City of Baltimore's early redistricting deadline. Under the City Charter, the Mayor must present a redistricting plan to the City Council not later than the first day of February of the first municipal election year following the census.⁷³ The Baltimore City Council then has sixty days to adopt or amend the plan.⁷⁴ Because Baltimore neighborhoods were so heavily impacted by prison gerrymandering, it was important for the adjusted data to be available for the city's redistricting. MDP released its final adjusted data on March 22, 2011, in time for Baltimore to redraw its City Council districts.

h. Public Education

Once the geocoding was complete and MDP had generated the adjusted data, MDP took affirmative steps to ensure that counties and municipalities used the adjusted data, not just the census PL 94-171 redistricting data they had used in the past. In order to get the word out across the state concerning the adjusted data, the Attorney General's Office participated in a Bar Association training for local and county attorneys, and MDP informed county and municipal planners. The MDP geocoding staff also did outreach to the local GIS community. MDP issued a press release when the adjusted data was certified and the adjusted data was posted to MDP's website for download.

2. A Legal Challenge: *Fletcher v. Lamone*

On November 10, 2011, a lawsuit financed by the Legacy Foundation,⁷⁵ a conservative Iowa-based advocacy group, was filed in U.S. District Court for Maryland.⁷⁶ Among other redistricting claims, the plaintiffs argued that Maryland's congressional districts violated the one-person-one-vote principle because they were based on the adjusted population data and not the numbers as they were reported by the U.S. census.⁷⁷ Plaintiffs also argued that the districts discriminated against racial minorities because the number of inmates who were identified as having a last known address outside the state of

Maryland, and thus were not reallocated to their home districts, were disproportionately African-American.⁷⁸ Specifically, plaintiffs argued that “omitting certain persons residing in state prisons whose last known addresses are from outside the State of Maryland and who are disproportionately minority” amounted to intentional racial discrimination in violation of the Fourteenth and Fifteenth Amendments.⁷⁹

The state was represented by the Attorney General’s redistricting team which consisted of attorneys representing the General Assembly, MDP and the Civil Litigation Unit. In addition, a number of civil rights and voting rights groups appeared as *amici curiae* to defend the constitutionality of the new law, including Howard University Law School’s Civil Rights Clinic, the Maryland NAACP, the NAACP Legal Defense and Educational Fund, the Maryland ACLU, Demos and the Prison Policy Initiative.⁸⁰ *Amici* argued that the Maryland legislature determined that the new law was necessary to “correct the striking inequity that existed previously due to the crediting of incarcerated people to electoral districts where they cannot vote, where they have no community ties, and where they are not considered residents for any other purpose other than the census.”⁸¹

On December 23, 2011, a three-judge panel granted the state’s motion for summary judgment, finding the No Population without Representation law to be constitutional and MDP’s implementation of the law to be proper and nondiscriminatory.⁸² In a lengthy opinion, the court carefully weighed all of plaintiffs’ arguments, examined MDP’s implementation of the law, and found that a state may choose to adjust census data, as long as the adjustment is thoroughly documented and “applied in a nonarbitrary fashion.”⁸³ The court also noted that Maryland’s adjustment of census data during redistricting did not conflict with the practices of the Census Bureau, explaining that according to the Bureau, “prisoners are counted where they are incarcerated for pragmatic and administrative reasons, not legal ones.”⁸⁴

The court concluded that Maryland’s adjustment to the census data was made in the systematic manner demanded by the United States Supreme Court. Citing the regulations, the court noted that MDP “undertook and documented a multistep process” to identify the last known address of all individuals in Maryland’s prisons.⁸⁵ Finally, the court found no evidence to support plaintiffs’ claim that the adjustment resulted from intentional racial discrimination. The court was careful to explain: “Our review of the record reveals

no evidence that intentional racial classifications were the moving force behind the passage of this Act. In fact, the evidence before us points to precisely the opposite conclusion.”⁸⁶ Relying on the amicus briefs filed by civil and voting rights organizations, the court acknowledged that the act was “the product of years of work by groups dedicated to advancing the interests of minorities.”⁸⁷ The United States Supreme Court affirmed the judgment on June 25, 2012.⁸⁸ Consequently, Maryland’s law and the 2011 adjustment were upheld.

Maryland Timeline

April 13, 2010	No Representation without Population Act signed into law
February 9, 2011	Census 2010 redistricting population counts (P.L. 94-171) received from U.S. Census Bureau
March 22, 2011	MDP releases adjusted population per No Representation without Population Act
May 2, 2011	Precinct population counts adjusted per No Representation without Population Act released
October 4, 2011	GRAC submits recommended congressional redistricting plan to governor
October 17, 2011	Special legislative session called to adopt congressional redistricting plan
October 20, 2011	Maryland 2011 congressional districts adopted
December 16, 2011	GRAC submits recommended state legislative redistricting plan to governor
December 23, 2011	<i>Fletcher v. Lamone</i> dismissed; No Representation without Population Act upheld by U.S. District Court
January 11, 2012	Governor submits state legislative redistricting plan to Senate President and Speaker of the House of Delegates
February 24, 2012	New state legislative district plan becomes law
November 6, 2012	Congressional district plan approved by ballot referendum

II. NEW YORK'S SOLUTION: PART XX

On August 11, 2010, Part XX of Chapter 57 of the Laws of 2010 (Part XX) was signed into law to fix the skew created by allocating New York's prison populations to the districts where they are incarcerated. Part XX directed the New York State Legislative Task Force on Demographic Research and Reapportionment (LATFOR) to reallocate people in correctional facilities back to their home communities for purposes of drawing state and local districts.⁸⁹

Part XX directed the New York State Department of Corrections and Community Supervision (DOCCS) to deliver to LATFOR by September 1 of the census year, the following information for each person in its custody on Census Day: (1) a unique identifier, not including the name; (2) the address of the correctional facility in which the person was incarcerated; (3) the residential address of the person prior to incarceration; and (4) any additional information specified by LATFOR.⁹⁰ Part XX also required LATFOR, upon receipt of this information from DOCCS, to determine the census block corresponding to the street address of each incarcerated person's residential address prior to incarceration and the census block corresponding to the address of the correctional facility.⁹¹ The new law then directs LATFOR to create a database in which "all incarcerated persons shall be . . . allocated for redistricting purposes, such that each geographic unit reflects incarcerated populations at their respective residential addresses prior to incarceration rather than at the addresses of [the] correctional facilities."⁹² Part XX requires LATFOR to maintain the amended population dataset and use the dataset to draw state assembly and senate districts.⁹³

Part XX addressed the appropriate population base for local (county, city, town and village) redistricting by amending the Municipal Home Rule Law to clarify that for purposes of establishing the population base requirements for local redistricting plans, "no person shall be deemed to have gained or lost a residence, or to have become a resident of a local government . . . by reason of being subject to the jurisdiction of the department of corrections."⁹⁴ The new law also required LATFOR to make the adjusted dataset available to local governments.⁹⁵

Under Part XX, all individuals with out-of-state or unknown pre-incarceration addresses, and all individuals incarcerated in federal correctional facilities are "counted at an address unknown" and not included in the redistricting dataset.⁹⁶ Effectively this means that these individuals would be "subtracted" from the prison district,

but not reallocated to a home district. The choice to not reallocate those in federal prisons reflected concerns about the privacy laws that govern federal facilities and the lack of state authority over those in federal custody. The Privacy Act of 1974 regulates what personal information the federal government can collect about private individuals and how that information can be used.⁹⁷ While there is concern that federal prisons may be restricted from disclosing personal records, even if the records do not include personally identifiable information, it is also clear that at least one state—Kansas—has a long history of successful cooperation between federal and state agencies. Kansas reallocates people living on military bases for redistricting, and the U.S. military has worked with the state to collect and share home residence data for people living on military bases in the state.⁹⁸

1. A Legal Challenge: *Little v. LATFOR*

On April 4, 2011, a group of upstate Republican New York State senators—all of whom represented districts that included at least one New York state prison—and a handful of voters who lived in those districts, filed a lawsuit against LATFOR and DOCCS arguing that Part XX was unconstitutional and asking the court to enjoin LATFOR and DOCCS from implementing the new law.⁹⁹ Plaintiffs argued that the new law violated Article III, section 4 of the New York State Constitution which provides that the federal census “shall be controlling as to the number of inhabitants in the state or any part thereof for the purpose of apportionment of members of the assembly and adjustment or alteration of senate and assembly Districts.”¹⁰⁰ The Complaint alleged that Part XX “creat[ed] a structural change by an artificial realignment of political power in the State” in violation of Article III, section 4, which, plaintiffs claimed, required the census to be “controlling” for apportionment purposes.¹⁰¹

Numerous voting rights and civil rights groups that had advocated for the reforms in Part XX intervened on behalf of the state defendants, representing voters from both upstate and downstate communities. The voters who intervened represented different interests, including: (1) those who lived in districts with high numbers of incarcerated individuals; (2) those who lived in both upstate and downstate counties that did not contain a prison; and (3) those who lived in a county where a prison was located but whose vote would nevertheless be diluted if the lawsuit prevailed because their local

county legislative districts did not contain a prison.¹⁰²

On December 1, 2011, on cross motions for summary judgment, the New York State Supreme Court in Albany County upheld Part XX.¹⁰³ Relying in part on the new census policy of releasing the Group Quarters data early, the court found that plaintiffs had not demonstrated that Part XX “rendered the data provided by the Census Bureau to be anything less than ‘controlling’ in the redistricting process.”¹⁰⁴ The court further explained that there was nothing in the record indicating that people in prison “have any actual permanency in these locations or have an intent to remain. . . . [P]laintiffs have not proffered evidence that inmates have substantial ties to the communities in which they are involuntarily and temporarily located.”¹⁰⁵

Plaintiffs’ attempt to appeal directly to the New York Court of Appeals was denied, and they chose not to appeal the Supreme Court’s decision to the mid-level appellate court. As a result, New York’s law was upheld and successfully implemented in time for districts to be drawn before the 2012 state-wide elections, as required by the New York Constitution.

2. Implementation of New York’s Reform Law

a. State Redistricting Law

The New York legislature has primary responsibility for drawing the state’s congressional and state legislative district lines.¹⁰⁶ The New York State Legislative Task Force on Demographic Research and Reapportionment (LATFOR), a six-member advisory commission comprised of members appointed by the Senate and Assembly majority and minority leaders, provides technical assistance to the legislature.¹⁰⁷ While LATFOR recommends congressional and state legislative plans to the legislature, the legislature is free to amend or even ignore its proposals.¹⁰⁸ New York law does not impose a deadline for drawing district lines, but in practice districts must be final prior to the filing deadlines for the next primary election.

b. State Prison Data

On August 26, 2010, the LATFOR co-chairs sent a letter to the New York Department of Corrections and Community Supervision (DOCCS) requesting the following information for each incarcerated person subject to DOCCS jurisdiction on April 1, 2010:

1. A unique identifier, not including the name, for each incarcerated person;
2. The street address of the correctional facility in which such persons were incarcerated at the time of the census;
3. The residential address of such persons prior to incarceration;
4. The race, Hispanic origin, age and gender of such persons; and
5. Any additional information as the task force may specify pursuant to law.¹⁰⁹

DOCCS provided the data in September 2010. The data included a list of addresses for the people held in DOCCS custody on April 1, 2010. The spreadsheet included 58,237 rows, one per inmate, with each inmate denoted by a unique identification number.¹¹⁰ Each column of the spreadsheet was devoted to a different category of personal information associated with each inmate, including the county of conviction and the correctional facility where the inmate was incarcerated on April 1, 2010.¹¹¹ The data included residential addresses prior to incarceration for each inmate including the legal residence address, address at the time of arrest, and addresses of parents, spouses and nearest relative.¹¹² The legal residence address was presented in four address fields: street, city, county and state.¹¹³

c. Voting Rights Act Preclearance

Because Part XX constituted a change to voting laws and procedures, New York had to submit the law to the United States Department of Justice (DOJ) for “preclearance” under Section 5 of the Voting Rights Act. Because of past discrimination against language minorities, Bronx, Kings and New York counties were “covered jurisdictions” under Section 5 required to seek DOJ approval before implementing any changes to their voting laws or procedures.¹¹⁴

The New York Attorney General submitted the law for preclearance on March 8, 2011. The preclearance submission explained that Part XX would “directly benefit” minority voters protected by Section 5 because those incarcerated in New York state prisons “originate predominantly from urban districts . . . subject to § 5, and are incarcerated in non-covered jurisdictions.”¹¹⁵ The submission

concluded that Part XX would “appropriately adjust the weight of the vote of members of protected classes in New York’s three § 5 counties” The DOJ granted preclearance on May 9, 2011, finding that the state had carried its burden of establishing that the reform law was free of any discriminatory effect or intent, and allowing New York to move forward with implementing the new law in time for the 2011 redistricting cycle.¹¹⁶

d. Geocoding and Reallocation

Part XX specifically directed LATFOR to reallocate incarcerated individuals back to their prior residential addresses for redistricting purposes; so unlike in Maryland, there was no question about which agency was in charge of implementing the new law. Nevertheless, because of the political nature of LATFOR and its composition consisting of members of the legislature, legislative staff and agency staff representing both political parties, there was some delay in coordinating implementation. New York State Assembly staff took the initial steps to analyze the data and implement the new law.

The first step in the adjustment process was to “subtract” the prison population from the districts where the prisons were located. There were 68 DOCCS facilities in operation on April 1, 2010 in addition to two federal correctional facilities.¹¹⁷ The Census Bureau had assigned state and federal prisons to a total of 75 blocks in New York State.¹¹⁸ LATFOR staff used the addresses of DOCCS facilities and the two federal facilities to identify the correctional facilities on the 75 blocks identified by the Census Bureau.¹¹⁹ Staff then used the DOCCS dataset, which enumerated 58,237 inmates and the name of the facility in which each inmate was incarcerated, to calculate the total number of people incarcerated in each correctional facility on each census block.¹²⁰ The Task Force identified 2,471 inmates incarcerated in federal prisons located in New York on April 1, 2010, bringing the total prison population to 60,708.¹²¹ The total inmate population was then deducted from the total group quarters adult correction population to arrive at the adjusted population totals for these census blocks.¹²²

Next LATFOR staff sorted the DOCCS data to separate records with unambiguously identifiable legal residence addresses (32,276 records), those with out-of-state residences (2,433 records) and those with no usable address (1,276 records).¹²³ Records in these last categories, out-of-state and unusable addresses, were deleted from the dataset, leaving a balance of 22,252 records that required some correction or clarification.¹²⁴ Within this balance of 22,252 records,

staff identified 14,154 records that were easily corrected by fixing obvious spelling and spacing errors and replacing abbreviations with complete proper names.¹²⁵

The remaining 8,098 legal residence addresses were incomplete or absent, prompting staff to supplement the legal residence address with information from the additional five addresses provided by DOCCS.¹²⁶ Staff developed strict protocols for clarifying the addresses provided.

FIRST PROTOCOL: Record all edits.¹²⁷ LATFOR staff preserved the original dataset in the form it was received from DOCCS. Staff created a copy of the dataset and all modifications were made in the copy, not in the original. This allowed for a clear comparison between the original data and the data that included changes.

SECOND PROTOCOL: Create numeric codes to capture the nature of each change.¹²⁸ The DOCCS data included a number of abbreviations, but the geocoding software required the full and correct spelling of all streets, directional prefixes, cities and states. Numeric codes were created to capture the complete and exact dimensions of these changes. For example, code (1) indicated a change to abbreviation and spelling and code (2) indicated a change in spacing.¹²⁹ A total of ten codes were developed to represent the different types of alterations made to any of the fields comprising the legal residence address.

THIRD PROTOCOL: Create a set of alphabetical codes to identify sources of supplemental information.¹³⁰ When the information included in the Legal Residence Address field was incomplete, LATFOR staff examined information provided in the other five addresses to determine if there was information that could be used to complete the Legal Residence Address. If the supplemental information was used to construct a “final” legal residence address, a code was assigned to indicate from which field the supplemental information was used. For example, code A indicated that information came from the “address at arrest” field; code B indicated that the information came from the “father’s address” field.¹³¹

Once LATFOR staff completed its work correcting and clarifying the inmate address records, each record was assigned latitude and longitude coordinates by the geocoding software MapMarker.¹³² On the first pass, 30,932 addresses were matched.¹³³ For the records that were not matched, the geocoding software produced an explanation describing the error.

Next, LATFOR staff initiated the second phase, using Google Maps to enhance and clarify the ungeocoded addresses in order to provide additional information to allow geocoding with a higher level of certainty.¹³⁴ Examples of errors that were fixed in this phase include a misspelled city or street name, incorrect identification of the street type (“avenue” instead of “street”), or an incorrect or absent directional prefix. Following its previous model, staff created a new set of protocols and codes, ensuring that all edits were carefully noted and the source clearly identified.

Once these corrections were made, the data were once again passed through the geocoding software. The software was able to assign geographic coordinates for the addresses of 46,003 incarcerated individuals who could then be properly allocated back to their home communities.¹³⁵ The remainder of the addresses were for people who resided in other states (whom the statute required to be removed from the redistricting data), or individuals for whom the information on file wasn’t sufficiently detailed to allow them to be reallocated. New York State’s reallocation, while imperfect, was a marked step forward compared to the previous decade when all incarcerated people were allocated to the correctional facility where they were incarcerated on April 1 of the census year.

e. Adjustment

To adjust the census data, LATFOR staff created three statewide block-level files, which included the necessary demographic categories to accommodate the adjusted data and to make the DOCCS data compatible with the PL 94-171 census redistricting data. The first file included all of the geocoded prisoner home address and racial/ethnic information from DOCCS.¹³⁶ The second file included the block-level prison population and aggregated racial and ethnic information.¹³⁷ The third file included federal prisons using the census Advanced Group Quarters data.¹³⁸

Using these files, the adjusted redistricting data were created by taking the total census redistricting data for the state, adding the geocoded home addresses for people in prison, then subtracting the total state and federal prison populations.¹³⁹ As required by the statute, any incarcerated individual whose home address was not geocodable, or was unknown, was not included in the redistricting data.¹⁴⁰

The final adjusted population files, along with a detailed memorandum explaining the adjustment process, were made available to the public and local redistricting bodies through LATFOR’s website. There was no additional outreach or public education.

New York Timeline

August 11, 2010	Part XX signed into law
December 1, 2011	<i>Little v. LATFOR</i> dismissed; New York Supreme Court upholds Part XX
March 23, 2011	Census 2010 Redistricting population counts (P.L. 94-171) received from U.S. Census Bureau
May 9, 2011	Part XX precleared by U.S. Department of Justice
January 4, 2012	LATFOR released final prison population files adjusted per Part XX
January 26, 2012	LATFOR released proposed Senate and Assembly districts
March 11, 2012	LATFOR introduced bill including final Senate and Assembly districts
March 15, 2012	State legislature passed new state legislative districts; signed into law by governor
March 19, 2012	Final congressional districts ordered by United States District Court
April 27, 2012	Senate districts precleared by U.S. Department of Justice
May 18, 2012	Assembly districts precleared by U.S. Department of Justice

III. RECOMMENDATIONS

Passing and implementing Maryland's No Population without Representation Act and New York's Part XX involved multiple agencies and actors, including legislators and their staff, government agencies, the Attorneys General's offices, private software companies and consultants, and outside advocacy organizations. The combined experiences of these various actors in implementing this reform revealed some common recommendations for implementing reforms.

1. Change the Census

The most effective way to correct the inequity caused by prison gerrymandering laws is for the census to count people in prison as residents of their home communities rather than their prison cells. There is widespread support for this change among advocates, scholars, redistricting experts, members of congress, editorial boards, state legislators and the administrative agencies tasked with drawing legislative districts.¹⁴¹ Those involved with implementing the new laws in Maryland and New York agreed that the prisoner reallocation would be streamlined if the Census Bureau tabulated incarcerated persons at their home addresses.¹⁴²

Specifically, the Census Bureau should:

- Update the interpretation of the Usual Residency rule to ensure that incarcerated persons are allocated to their home residence rather than at the location of a correctional facility. The Bureau should consult with stakeholders, including redistricting experts, elections officials, corrections officials, criminal justice advocates, and others to develop the best strategies and data choices for meeting this goal.
- Consider using "self-enumeration" data wherever possible to tabulate incarcerated people. Allowing incarcerated individuals to complete and submit their own census forms would allow them to identify their race and ethnicity as well as enable them to directly list their current home address.
 - Conduct a self-enumeration pilot study in select correctional facilities to develop protocols and test the utility of inmate-completed forms, as suggested

- by the Bureau's 2013 Ethnographic Study.
- Where administrative records are to be used to tabulate incarcerated people, rely on agency-level administrative records collected by the Federal Bureau of Prisons and state correctional agencies—as suggested by the Bureau's 2013 Ethnographic Study—rather than collecting this data on the individual facility level.
 - Consult with the Bureau of Justice Statistics to identify best practices for designing effective systems for collecting accurate and reliable state corrections data.¹⁴³
 - Assure that state correctional agencies are aware of the Office of Management and Budget's (OMB) Standards for the Classification of Federal Data on Race and Ethnicity, and advise state correctional agencies on how data systems can be structured to facilitate data collection consistent with these standards. Encouraging states to use the OMB standards would eliminate inconsistencies in how race and ethnicity data are recorded.¹⁴⁴
 - Conduct experiments using existing state corrections data to evaluate how these administrative records, in their current form, would impact Census Bureau workflow and quality standards, as well as to develop protocols for addresses that cannot be successfully geocoded.
 - Consider how to allocate persons in the limited circumstances where an individual's home address is unknown or nonexistent. For example, the Bureau may have to tabulate a limited number of people at the correctional facility where there is insufficient home address information.
 - Explore whether the recommendation of the 2013 *Ethnographic Study of the Group Quarters Population in the 2010 census: Jails and Prisons* to establish “correctional specialists” to coordinate the Bureau's enumeration of people confined in correctional facilities will improve efficiency and standardization.¹⁴⁵

2. Change State Laws

The effects of prison gerrymandering can also be addressed at the state level, as it was in Maryland and New York. As with any legislative change, these reforms require careful research and planning, and building a broad coalition of support. But in addition to general legislative strategy, there are some specific recommendations based on the experiences of successful reform in New York and Maryland.

a. Bill Drafting

Drafting legislation to address prison gerrymandering can be complicated, because the legislation often has to include changes to the election law, the corrections law and sometimes the executive law. Because of these inherent complexities, it can be tempting to draft legislation that is short and simple as a way to make it easy to understand. But it is important not to omit key details and processes. For example, the Maryland legislation did not name the implementing agency. Maryland solved this problem smoothly because the same state agency had both census and redistricting experience and a data staff that could perform the required geocoding, but in other states it may be important for the legislation to identify the implementing entity.

In both New York and Maryland, staff members who implemented the reform laws identified places where the law could have provided more information to properly inform the decisions and judgments they had to make. For example, Both MDP and DPSCS identified the phrase “last known residence” to be too vague and provide insufficient guidance on which address should be used. There was also some ambiguity about who was intended to be included in the category “prisoner”—whether it included pretrial detainees, residents of half-way houses and/or juvenile facilities. Similarly, in New York, LATFOR staff explained that the phrase “residential address prior to incarceration” did not provide enough guidance to decide between the various address fields provided by the DOCCS data. Including a definitions section and providing more specific wording would eliminate some of the guess work and allow for a smoother implementation.

It is also important to remember that prison gerrymandering reforms often have the greatest impact at the local government level in municipal and county districts. To assure that the new law has the most comprehensive effect, the legislation should require localities to use the adjusted data when drawing their local districts.

The Prison Policy Initiative has a model bill with sample language that provides helpful guidance to bill drafters on all of these issues.¹⁴⁶

b. Stakeholders

Early consultation with the technical staff that will be charged with implementing the reform law can help avoid gaps, inconsistencies and unrealistic expectations in the final law. Bill drafters should speak with the technical staff to get a good understanding of what the implementing agency will need to know, and ensure that those who understand the geocoding and adjustment process can share information that will create a thorough and legally sound bill. As part of this early outreach, bill drafters should also contact the correctional agency to discuss its data collection practices and the content and structure of its database. Legislation could require the corrections agency to collect additional data, or maintain its data in a particular format in order to ease implementation later on.

c. Corrections Data

Correctional facilities should strive to collect data that would be useful to the Census Bureau and redistricting officials. This data should include home residence information down to the street level (and, wherever possible, avoiding non-geographic addresses like post office boxes and rural route addresses). Standardized street dictionaries or master address files can be used to make sure street names, city names, and zip codes are all valid. Similarly, correctional facilities should collect race and ethnicity data on their population in a way that is consistent with the Office of Management and Budget's "Standards for the Classification of Federal Data on Race and Ethnicity" and therefore also consistent with the Census Bureau's redistricting data.¹⁴⁷ In all cases, correctional facilities should strive to have accurate, current, and complete data.

3. Plan for Implementation

Implementation of these reforms involves various administrative agencies, and many states impose strict deadlines for finalizing legislative districts. Consequently, agencies and policymakers should allow plenty of time to plan and execute the implementation stages. Identifying redistricting deadlines far in advance and planning accordingly can help assure a smooth implementation.

a. Timing

Creating, obtaining, adjusting and checking data can take significant amounts of time that must be expended in a specific order. Officials in both Maryland and New York advised others to start as early as possible.¹⁴⁸ Planning should begin long before Census

Day (at least two years in advance), and adjusting the corrections data should begin as soon as the census is taken, allowing nine to twelve months to understand and prepare the corrections data, and several additional months between the Census Bureau's publication of the redistricting data and an individual state's formal start of line drawing.

Implementing agencies should be aware that localities often have redistricting deadlines that are earlier than the state deadline. Consultation with local redistricting bodies and elected officials will help ensure that the adjusted data is available in time to be helpful to as many localities as possible. For example, Maryland accelerated the release of its adjusted data so that it could be used in Baltimore City's municipal redistricting. On the other hand, the New York legislation did not give a specific deadline for LATFOR to produce the adjusted dataset, which had the unintentional effect of some localities proceeding to redistrict before the adjusted data was available.

b. Transparency

As with any democratic reform, creating a transparent implementation process will allow greater public participation and engagement. This is particularly important in redistricting; legislative lines can have a dramatic impact on local communities, so public participation is especially critical to creating fair and accurate districts.

There are various ways to assure transparency when implementing prison gerrymandering reforms. For example, drafting regulations allows an opportunity for public comment and provides a clear process for how the new laws will be implemented. MDP found it very helpful to draft regulations to implement the Maryland law. The regulations provided consistent guidance throughout the various stages of implementation, particularly in providing specific definitions of terms in the law, and the steps the department must take to correct any missing or incorrect address data. The regulations proved to have additional utility when the implementation was challenged in court. In upholding the law, the court cited the regulations as evidence that MDP followed a careful and consistent process in adjusting the census data. Maryland also published reports on how the new law was implemented. Sharing this information allowed the public, as well as policymakers and legislatures, to understand the impact of the new law and its effect on local districts. Both New York and Maryland published the adjusted data on their websites, so that local redistricting bodies as well as policymakers, researchers, and members of the public could access and examine it.¹⁴⁹

c. Inter-Agency Collaboration

Reforming prison gerrymandering requires agencies that do not usually work together to collaborate and communicate. The agencies may not be familiar with each other's policies, or share a common vocabulary. One of the biggest challenges identified in both Maryland and New York was the implementing agency's lack of familiarity with the structure of the corrections system, the different types of facilities, why those differences were significant, or how the facilities created and maintained data. To alleviate this confusion, the redistricting and corrections agencies should form an integrated team at the earliest stage of implementation to share information and educate each other about relevant policies and procedures as well as data standards, and to create a common understanding and language. Legal counsel should be included in these conversations to assist with statutory and regulatory interpretation.

CONCLUSION

Officials in Maryland and New York were the first in the country to take on the challenge of correcting the distortions of democracy caused by prison gerrymandering. Their combined experiences demonstrate how diverse state and local agencies can work together to successfully implement new and important policy reforms, and provide a valuable resource for policymakers and advocates across the country seeking to implement similar reforms. Today there is renewed attention to addressing the injustice created by prison gerrymandering. The Census Bureau, in keeping with its goal of producing the most accurate census count possible, should continue re-evaluating its policy of how it enumerates the prison population, and ultimately issue new guidance for tabulating incarcerated persons at their home addresses. Meanwhile, states across the country should implement their own solutions for reallocating individuals back to their home communities, in order to create more equitable and representative districts. These reforms, together, will realize the principle of one person-one vote, and ensure that prison gerrymandering no longer distorts our democracy. ■

ENDNOTES

1. *Residence Rule and Residence Situations for the 2010 census*, U.S. Census Bureau, http://www.census.gov/population/www/cen2010/resid_rules/resid_rules.html (last visited June 26, 2014).
2. See *Reynolds v. Sims*, 377 U.S. 533, 565-66 (1964). For congressional districts, states must make a good-faith effort to have mathematical equality for each district. See *Wesberry v. Sanders*, 376 U.S. 1, 7-8, (1964). For state legislative districts, there is more flexibility; they have to reflect “substantial equality of population.” *Reynolds*, 377 U.S. 533, 559 (1964). Generally, the population difference between the largest and smallest state legislative districts can be up to 10% of the average district population. *Id.* Disparities in Congressional district populations are governed by the Apportionment Clause, U.S. Const. art. I, § 2, while state legislative district population disparities are governed by the Equal Protection Clause, U.S. Const. amend. XIV, § 1. For a thorough and practical explanation of redistricting principles, see Justin Levitt, Brennan Center for Justice, *A Citizen’s Guide to Redistricting* (July 1, 2008), available at <http://www.brennancenter.org/publication/citizens-guide-redistricting>.
3. Only Maine and Vermont allow people to vote while in prison. See Erika Wood, Brennan Center for Justice, *Restoring the Right to Vote 3* (May 11, 2009), available at <http://www.brennancenter.org/publication/restoring-right-vote>. In those two states, incarcerated people maintain residency in their home communities for voting purposes and vote in their home district by absentee ballot; they do not vote in the district where they are incarcerated. See Vt. Stat. Ann. tit. 17, § 2122(a); Me. Rev. Stat. Ann. tit. 21-A, § 112(1-4).
4. Compare Bureau of Justice Statistics, Office of Justice Programs, U.S. Dep’t of Justice, *Prisoners 1925-81*, at 2 tbl.1 (Dec. 1982), available at <http://www.bjs.gov/content/pub/pdf/p2581.pdf> (listing the number of state and federal prisoners per 100,000 residential population at 96 in 1970), with E. Ann Carson & Daniela Golinelli, Bureau of Justice Statistics, Office of Justice Programs, U.S. Dep’t of Justice, *Prisoners in 2012: Trends in Admissions and Releases, 1991-2012*, at 25 tbl.18 (Dec. 2013), available at <http://www.bjs.gov/content/pub/pdf/p12ar9112.pdf> (listing the number of state and federal prisoners per 100,000 residential population at 480 in 2012).
5. Marc Mauser, *Race to Incarcerate* 18, 20 (2d ed. 2006).
6. Compare Bureau of Justice Statistics, Office of Justice Programs, U.S. Dep’t of Justice, *Prisoners 1925-81*, at 2 tbl.1 (Dec. 1982), available at <http://www.bjs.gov/content/pub/pdf/p2581.pdf> (listing the number of state and federal prisoners at 196,429 in 1970), with E. Ann Carson & Daniela Golinelli, Bureau of Justice Statistics, Office of Justice Programs, U.S. Dep’t of Justice, *Prisoners in 2012: Trends in Admissions and Releases, 1991-2012*, at 25 appx. tbl.6 (Dec. 2013), available at <http://www.bjs.gov/content/pub/pdf/p12ar9112.pdf> (listing the number of state and federal prisoners at 1,570,397 in 2012).
7. Erica Goode, *Average Prison Stay Grew 36 Percent in Two Decades*, N.Y. Times (June 6, 2012), available at <http://www.nytimes.com/2012/06/06/us/average-prison-stay-grew-36-percent-in-two-decades.html>.
8. Gabriel Sayegh, *New York Must Reform its Racist Drug Laws*, AlterNet (May 4, 2007), http://www.alternet.org/story/51475/new_york_must_reform_its_racist_drug_laws.
9. See Peter Wagner, Prison Policy Initiative, *Prison Town Legislators Represent Prisoners’ Interests? Not Quite.* (June 14, 2004), <http://www.prisonersofthecensus.org/news/2004/06/14/represent/>.
10. See Md. Dep’t of Pub. Safety & Corr. Servs., *Secretary’s End of Year Report 22* (2010), available at http://www.dpccs.state.md.us/publicinfo/publications/pdfs/2010_DPSCS_End_of_Year_Report.pdf.
11. Peter Wagner & Olivia Cummings, Prison Policy Initiative, *Importing Constituents: Incarcerated People and Political Clout in Maryland* (Mar. 4, 2010), <http://www.prisonersofthecensus.org/md/report.html>.
12. See Md. Dep’t of Pub. Safety & Corr. Servs., *Correctional Facility Locator*, <http://www.dpccs.state.md.us/locations/prisons.shtml> (distances calculated using listed addresses of facilities) (last visited June 26, 2014).
13. Ashley Nellis & Ryan S. King, Sentencing Project, *No Exit: The Expanding Use of Life Sentences in America* 7 (tbl.2) (July 2009), available at http://www.sentencingproject.org/doc/publications/publications/inc_NoExitSept2009.pdf.
14. Guy G. Cherry & Claire E. Rossmark, Office of Policy Analysis, Md. Dep’t of Legislative Servs., *Maryland Diminution Credit System* 7 (Dec. 2011), available at <http://dls.state.md.us/data/polanasubare/polanasubare...concrjuscivmat/Diminution-Credits.pdf>.
15. Wagner & Cummings, *supra* note 11.
16. Prison Policy Initiative, *Ending Prison-Based Gerrymandering Would Aid the African-American Vote in Maryland* (Jan. 22, 2010), <http://www.prisonersofthecensus.org/factsheets/md/africanamericans.pdf>.
17. *Id.*
18. See N.Y. State Dep’t of Corr. & Cmty. Supervision, *Facility Listing*, <http://www.doccs.ny.gov/facilist.html> (distances calculated using listed addresses of facilities) (last visited June 26, 2014).
19. Peter Wagner, Prison Policy Initiative, *Importing Constituents: Prisoners and Political Clout in New York* n. 3 (Apr. 22, 2002), <http://www.prisonpolicy.org/importing/importing.html> (citing N.Y. State Dep’t of Corr. Servs., *Characteristics of New Commitments 1999*, at 74 (2000); N.Y. State Dep’t of Corr. Servs., *The Hub System: Profile of Inmates Under Custody on January 1, 2000*, at 8 (2000)).
20. Wagner, *supra* note 19, at fig. 1.
21. Affirmation of Peter Wagner in Support of Intervenor-Defendants’ Motion for Summary Judgment and in Opposition to Plaintiffs’ Motion for Summary Judgment dated Aug. 17, at ¶ 64, see *Little v. N.Y. State Task Force on Demographic Research & Reapportionment*, No. 2310-2011 (Sup. Ct. N.Y. Dec. 1, 2011), available at http://www.prisonersofthecensus.org/little/Intervenor-Defendants_SJ_motion.pdf (citing U.S. Census Bureau, *American FactFinder*, available at http://factfinder.census.gov/home/saff/main.html?_lang=en (last visited Aug 15, 2011, 6:25pm) (data for New York State); N.Y. State Dep’t of Corr. Servs., *The HUB System: Profile of Inmates Under Custody on January 1, 2000*, at 1 (2000), available at http://www.doccs.ny.gov/Research/Reports/2008/Hub_Report_2008.pdf).
22. Memorandum in Support of Motion to Intervene dated May 17, 2011 (“Little Intervention Memo”) at 4-5, see *Little*, No. 2310-2011 (N.Y. Sup. Ct. Dec. 1, 2011), available at [http://www.prisonersofthecensus.org/little/Motion_to_Intervene_Package_\(for_service\).pdf](http://www.prisonersofthecensus.org/little/Motion_to_Intervene_Package_(for_service).pdf) (citing N.Y. State Dep’t of Corr. Servs., *supra* note 21, at ii).
23. Wagner, *supra* note 19, at fig. 3.
24. Jennifer Pasco, *1/2 of Rome Ward’s Residents Are Prisoners*, Utica Observer-Dispatch (updated Feb. 19, 2010, 7:00 PM), available at <http://www.uticaod.com/article/20100219/News/302199903>; Staff Report, *Our View: Don’t Count Prisoners With Voters*, Utica Observer-Dispatch (updated Feb. 26, 2010, 11:09 PM), available at <http://www.uticaod.com/x1694766272/Our-view-Don-t-count-prisoners-with-voters>.
25. N.Y. State Legis. Task Force on Demographic Research & Reapportionment, *2000 census Data by Senate District*, <http://www.lafors.state.ny.us/data/2000files/2000sen-prof.pdf> (last visited July 29, 2014); Memorandum from Michael A. Carvin to Sens. Joseph Bruno & Dean Skelos (Mar. 7, 2002), available at <http://www.lafors.state.ny.us/faqs/docs/2012senatusize.pdf>.
26. The New York Constitution provides that “[f]or the purpose of voting, no person shall be deemed to have gained or lost a residence, by reason of his or her presence or absence . . . while confined in any public prison.”

- N.Y. Const. art. II, § 4; see also N.Y. Elec. Law § 5-104(1) (McKinney 2010).
27. Prison Policy Institute, *Gerrymandering and Relying on the Miscalculation of Prisoners Combine to Violate the U.S. Constitution in New York* (last visited June 30, 2014), <http://www.prisonersofthecensus.org/nygerrymander.html>.
 28. Wagner, *supra* note 19, at fig. 3.
 29. Letter from A Better Way Foundation et al. to Thomas Mesenbourg, Acting Director, U.S. Census Bureau (Feb. 14, 2013), available at <http://www.prisonersofthecensus.org/letters/lab2013.html>.
 30. Barbara Owen & Anna Chan, Ctr. for Survey Measurement, Research and Methodology Directorate, U.S. Census Bureau, *Ethnographic Study of the Group Quarters Population in the 2010 census: Jails and Prisons 37-38* (Apr. 25, 2013), available at <http://www.census.gov/srd/papers/pdf/sem2013-13.pdf>. The study's authors explain: "Given our knowledge about correctional populations and their potential for self-enumeration, a true self-enumeration pilot in one or more prisons could be conducted to determine the utility of inmate-completed forms." *Id.* The study presents a detailed analysis of how the 2010 census was conducted in two women's state prisons and in one county jail, with additional information from observations of the collection of American Community Survey data in a large male state prison and other facilities. It was not intended to be a review of the feasibility of enumerating incarcerated people at alternative addresses, but its review of existing practices and its suggestions for how those practices could be improved, make it a valuable first step.
 31. Robert Graves, U.S. Census Bureau, *So How Do You Handle Prisons?*, Director's Blog (Mar. 1, 2010), <http://directorsblog.blogs.census.gov/2010/03/01/so-how-do-you-handle-prisons/>.
 32. Bills have been introduced in: Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Minnesota, New Jersey, New York, Oregon, Rhode Island, and Texas. Bill information is available at <http://www.prisonersofthecensus.org/legislation.html>.
 33. A list of local governments that avoid prison gerrymandering is available at <http://www.prisonersofthecensus.org/local/>.
 34. See e.g., Assemb. B. 420, 2011-12 Leg., Reg. Sess. (Ca. 2011); H.B. 584, 145th Gen. Assemb., Reg. Sess. (Del. 2010); No Representation Without Population Act, H.B. 496, 2010 Leg., Reg. Sess. (Md. 2010); N.Y. Legis. Law § 83-m (McKinney 2011).
 35. Md. Code Regs. 34.05.01.04 (C) (2010).
 36. Md. Code Ann., State Gov't § 2-2A-01 (West 2010) (affecting legislative districts for the General Assembly); Md. Code Ann., Elec. Law § 8-701 (West 2010) (affecting districts for congressional Representatives); Md. Code Ann., Political Subdivisions—Miscellaneous Provisions art. 24§ 1-111 (West 2010) (affecting legislative districts for county and municipal corporations).
 37. Md. Code Ann., State Gov't § 2-2A-01 (West 2010) (affecting legislative districts for the General Assembly); Md. Code Ann., Elec. Law § 8-701 (West 2010) (affecting districts for congressional Representatives); Md. Code Ann., Political Subdivisions—Miscellaneous Provisions art. 24§ 1-111 (West 2010) (affecting legislative districts for county and municipal corporations).
 38. Md. Const. art. III, § 5.
 39. *Id.* (the deadline for the state legislative redistricting plan was January 11, 2012. See Md. Dep't of Planning, *Redistricting FAQs* (last updated Jan. 20, 2013), <http://planning.maryland.gov/redistricting/faq.shtml>).
 40. *Id.*
 41. *Id.*
 42. Md. Dep't of Planning, *supra* note 39.
 43. *Id.*
 44. *Id.*
 45. Md. Code Ann., State Plin. & Proc. § 5-391 (West 2009).
 46. Interview with Matthew Power, Deputy Sec'y, Md. Dep't of Planning (Dec. 19, 2012).
 47. For a helpful introduction to geocoding, see Daniel W. Goldberg, *A Geocoding Best Practice Guide* (Nov. 2008), available at http://www.naacor.org/LinkClick.aspx?fileticket=ZKekM8k_K0%3D&tabid=239&mid=699
 48. Md. Code Regs. 34.05.01.03 (B)(4)(a)-(b) (2010).
 49. *Id.* at 34.05.01.04 (B).
 50. *Id.* at 34.05.01.04 (C)(1).
 51. *Id.* at 34.05.01.04 (D).
 52. Letter from Richard E. Hall, Secretary, Md. Dep't of Planning & Karl Aro, Director, Md. Dep't of Legislative Servs., to Matthew Mellady, Fed. Bureau of Prisons, U.S. Dep't of Justice (July 22, 2010) (on file with author).
 53. 5 U.S.C. § 552a (1996).
 54. Letter from Alecia S. Sillah, Fed. Bureau of Prisons, U.S. Dep't of Justice, to Richard E. Hall, Md. Dep't of Planning (Oct. 7, 2010) (on file with author).
 55. Declaration of James Cannistra dated Dec. 1, 2011, (No. 8:11-cv-03220-RWT). ("Cannistra Decl.") at § 12, available at http://www.prisonersofthecensus.org/fletcher/AG_exhibit_2.pdf (see also Fletcher v. Lamone, 831 F. Supp.2d 887 (D. Md. 2011)).
 56. Cannistra Decl., *supra* note 55, at § 12.
 57. *Id.*
 58. Affidavit of Kevin Combs dated Dec. 1, 2011 at § 3, see Fletcher, 831 F. Supp.2d 887 (D. Md. 2011) (No. 8:11-cv-03220-RWT), available at http://www.prisonersofthecensus.org/fletcher/AG_exhibit_3.pdf
 59. *Id.* at § 4.
 60. *Id.*
 61. *Id.* at § 6; Telephone Interview with Felicia Hinton, Assistant Comm'r, Md. Dep't of Pub. Safety & Corr. Servs. (March 15, 2013).
 62. Cannistra Decl., *supra* note 55, at §§ 2,3.
 63. Caliper Corp., *Maryland 2010 census Prisoner Adjustment Final Report 4* (March 23, 2011), available at http://www.prisonersofthecensus.org/fletcher/AG_exhibit_4.pdf
 64. Defendants' Motion to Dismiss dated Dec. 2, 2011 at exh. 23, see Fletcher, 831 F. Supp.2d 887 (D. Md. 2011) (No. 8:11-cv-03220-RWT), available at http://www.prisonersofthecensus.org/fletcher/AG_exhibit_23.pdf.
 65. Cannistra Decl., *supra* note 55, at § 6. The addresses that could not be geocoded broke down as follows:

Segregated Addresses	Number	Percent of Total
Correctional Facility	249	1.13%
Incomplete Address	111	0.50%
No Address or Homeless	1,635	7.41%
Out-of-State	1,326	6.01%

Post Office Box	20	0.09%
Rural Route Box	17	0.08%
Total	3,358	15.22%

66. *Id.* at § 7.
67. *Id.* at § 9.
68. *Id.* at § 10.
69. *Id.* at § 10.
70. After MDP re-categorized some special cases, 16,988 (77%) incarcerated individuals were assigned to their home addresses, 3735 (17%) were assigned to the correctional facilities, and 1321 (6%) were reallocated out of Maryland census data as out-of-state residents. *Id.* at § 17.
71. Caliper Corp., *supra* note 65, at 14.
72. *Id.*
73. Bal. Md., Charter, art. III, § 7(b).
74. *Id.*
75. The Legacy Foundation's stated mission is "to advance individual liberty, free enterprise and limited, accountable government." Legacy Foundation, Mission Statement <http://legacyfoundation.us/why-the-legacy-foundation/> (last visited June 30, 2014). To access the Legacy Foundation's case filings, see Legacy Foundation, *Case Filings*, <http://legacyfoundation.us/case-filings/> (last visited June 30, 2014).
76. Annie Linskey, *Law Group to Fund Suit Against Maryland's Congressional Map*, Bal. Sun (Nov. 10, 2011), available at http://www.baltimoresun.com/news/maryland/bs-md-redistricting-lawsuit-20111110_0_842688.story.
77. *Fletcher v. Lamone*, 831 F. Supp.2d 887, 894 (D. Md. 2011).
78. Complaint dated Nov. 10, 2011 at §§ 49-54, see *Fletcher*, 831 F. Supp.2d 887 (D. Md. 2011) (No. 8:11-cv-03220-RWT), 2011 WL 9467560.
79. *Id.* at § 70.
80. Brief for Howard Univ. Sch. of Law Civil Rights Clinic et al. as Amici Curiae Supporting Defendants dated Dec. 2, 2011, see *Fletcher*, 831 F. Supp.2d 887 (D. Md. 2011) (No. 8:11-cv-03220-RWT), available at http://www.prisonersofthecensus.org/fletcher/Final_Fletcher_amicus_with_affidavit_and_service.pdf.
81. *Id.* at 4-5.
82. *Fletcher*, 831 F. Supp.2d at 897.
83. *Id.* at 894-95 (relying on *Karcher v. Daggett*, 462 U.S. 725, 732 n. 4, 738 (1983)).
84. *Id.* at 895.
85. *Id.* at 896.
86. *Id.* at 897.
87. *Id.*
88. 133 S. Ct. 29 (2012).
89. New York law designates LATFOR as the body responsible for the "preparation and formulation of a reapportionment plan . . . and the utilization of census and other demographic and statistical data for policy analysis, program development and program evaluation purposes for the legislature." N.Y. Legis. Law § 83-m(3) (McKinney 2013). The task force is bipartisan and consists of six members, two of whom are appointed by the state senate president, two of whom are appointed by the speaker of the assembly and one each appointed by the minority leaders of the senate and assembly. *Id.* at § 83-m(2). Four task force members are members of the legislature and two are not. *Id.*
90. N.Y. Correct. Law § 71(8)(a) (McKinney 2011).
91. N.Y. Legis. Law § 83-m(13)(b) (McKinney 2011).
92. *Id.*
93. *Id.*
94. N.Y. Mun. Home Rule Law § 10 (1)(a)(13)(c) (McKinney 2011).
95. N.Y. Legis. Law § 83-m(13)(b) (McKinney 2011).
96. *Id.*
97. 5 U.S.C. § 552a (1996).
98. See Kris W. Kobach, *Adjustment to the 2010 U.S. Decennial census*, (July 26, 2011) available at <https://www.kscow.org/forms/elections/2010censusAdj.pdf>.
99. Complaint dated Apr. 4, 2011 at § 2, see *Little*, No. 2310-2011 (N.Y. Sup. Ct. Dec. 1, 2011), available at <http://www.prisonersofthecensus.org/little/complaint.pdf>.
100. N.Y. Const. art. III, § 4.
101. Complaint dated Apr. 4, 2011, *supra* note 99, at §§ 86-87.
102. Little intervention Memo, *supra* note 22, at 2-3.
103. *Little*, No. 2310-2011 (N.Y. Sup. Ct. Dec. 1, 2011), available at http://www.prisonersofthecensus.org/little/Decision_and_Order.pdf.
104. *Id.* at 7.
105. *Id.*
106. N.Y. Const. art. III, § 4; N.Y. Legis. Law § 93 (McKinney 2013).
107. N.Y. Legis. Law § 83-m (McKinney 2011).
108. *Cf. id.* at § 83-m(5) ("The primary function of the task force shall be to compile and analyze data, conduct research for and make reports and recommendations to the legislature, legislative commissions and other legislative task forces").
109. Letter from Sen. Martin Malavé Dilan & Assemb. Carl E. Heastie, Co-Chairs, N.Y. State Legis. Task Force on Demographic Research & Reapportionment, to Hon. Brian Fischer, Commissioner, Dep't of Corr. Servs. (sic.) (Aug. 26, 2010) (on file with author).
110. N.Y. Assemb., *Relocating Prisoners to Home Community Addresses 1* (Sept. 2011) ("N.Y. Assemb., *Relocating Prisoners*").
111. *Id.* (spreadsheet on file with author).
112. *Id.* at 1-2.
113. *Id.* at 2.
114. As a result of the 2013 Supreme Court ruling in *Shelby County v. Holder*, 135 S.Ct. 2612 (2013) striking down the Voting Rights Act's preclearance coverage formula, these counties are no longer required to pre-clear changes to their voting laws.
115. Letter from Joel Graber, Special Litig. Counsel, Office of the N.Y. Atty Gen., to Christian Herren, Jr., Chief, Voting Section, U.S. Dep't of Justice (Mar. 7, 2011), available at <http://www.prisonersofthecensus.org/little/NYS-Sec5-partxx-submission.pdf>.
116. *Cf.* Letter from T. Christian Herren, Jr., Chief, Voting Section, U.S. Dep't of Justice, to Joel Graber, Special Litig.

- Counsel, Office of the N.Y. Att'y Gen. (May 9, 2011) (stating that the U.S. Attorney General raises no objections to the law), available at http://www.prisonersofthecensus.org/little/doj_preclearance_letter.pdf.
117. N.Y. Assemb., *Subtracting Prisoners from the Address of Incarceration 5* (Sept. 2011) ("N.Y. Assemb., *Subtracting Prisoners*").
118. *Id.*
119. *Id.*
120. *Id.* at 5-6.
121. Memorandum from Isaac Fefen, Senior Demographer, Bruce Ruiz, GIS Manager & Marisa Valivé, Senior GIS Analyst, to Debra A. Levine & Lewis M. Hoppe, Co-Executive Directors, N.Y. State Legis. Task Force on Demographic Research & Reapportionment 3 (Jan. 5, 2012) ("LATFOR Adjustment Memo"), available at http://www.latfor.state.ny.us/justice2012/assembly/007/joint%20Exhibit%207%20--%20Prisoner%20Allocation%20Documents/0_ReadMe.pdf.
122. N.Y. Assemb., *Subtracting Prisoners*, *supra* note 117, at 6.
123. N.Y. Assemb., *Relocating Prisoners*, *supra* note 110, at 2. Note that this data included only state prison data, not federal.
124. *Id.*
125. *Id.*
126. *Id.*
127. *Id.* at 4.
128. *Id.*
129. *Id.*
130. *Id.* at 5.
131. *Id.*
132. LATFOR Adjustment Memo, *supra* note 121, at 1.
133. N.Y. Assemb., *Relocating Prisoners*, *supra* note 110, at 8.
134. *Id.*
135. LATFOR Adjustment Memo, *supra* note 121, at 1.
136. *Id.* at 2.
137. *Id.*
138. *Id.*
139. *Id.*
140. N.Y. Legis. Law § 83-m(13)(b) (McKinney 2011).
141. Last year, more than 200 organizations signed a letter urging the Census Bureau to conduct the research necessary to ensure that the 2020 census counts incarcerated people at their home addresses. Letter from A Better Way Foundation et al., *supra* note 29.
142. Interview with Matthew Power, *supra* note 46; Telephone Interview with Felicia Hinton, *supra* note 61; Telephone Interview with Debra Levine & Lewis Hoppe, Co-Executive Directors, N.Y. State Legis. Task Force on Demographic Research & Reapportionment (Feb. 6, 2013).
143. The Bureau of Justice Statistics conducted a survey of state correctional data systems in 1998, finding that the majority of state prison systems had mostly complete electronic records of home addresses. See Bureau of Justice Statistics et al., *State and Federal Corrections Information Systems: An Inventory of Data Elements and an Assessment of Reporting Capabilities*, Bureau of Justice Statistics (Aug. 1998), available at <http://www.bjs.gov/content/pub/pdf/sfscmq.pdf>. The Census Bureau should determine how these data collections have improved in the last sixteen years, and consider how the Bureau can help these systems continue to improve as 2020 approaches. Further, the Census Bureau may wish to explore the state of data collection in the nation's largest jail systems: the fifty largest jail systems in the U.S. hold more than a third of the nation's jail population.
144. The OMB standards provide a common language to promote uniformity and comparability for data on race and ethnicity and were developed in cooperation with federal agencies, including the Census Bureau, to provide consistent data on race and ethnicity throughout the federal government. For an explanation of OMB standards, see Office of Mgmt. & Budget, *Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity* (Oct. 30, 1997), available at http://www.whitehouse.gov/omb/fedreg_1997standards/.
145. Owen & Chan, *supra* note 30, at 37.
146. Prison Policy Initiative, *Example Bill: Ending Prison-Based Gerrymandering in Your State* (last updated Feb. 26, 2014), available at <http://www.prisonersofthecensus.org/models/example.html>.
147. Office of Mgmt. & Budget, *supra* note 144.
148. Interview with Matthew Power, *supra* note 46; Telephone Interview with Debra Levine & Lewis Hoppe, *supra* note 142.
149. Maryland continues to maintain all redistricting related information (legislation, adjusted data, maps, etc.) on MDP's website at <http://planning.maryland.gov/Redistricting/>. New York maintains its data on the LATFOR website at <http://www.latfor.state.ny.us/data/>.

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**Summary of Comments Received in Response to the “2020 Decennial Census Residence Rule and Residence Situations; Notice and Request for Comment,”
80 Federal Register 28950 (May 20, 2015)**

Overview

The U.S. Census Bureau is currently reviewing the 2010 Census residence rule and situations to determine if clarifications, revisions, or changes are needed to the rule or situations for the 2020 Census. On May 20, 2015, the Census Bureau published a notice in the *Federal Register* asking for public comment on the 2010 residence rule and situations, and suggestions for changes to be made for the 2020 Census. The Census Bureau received 252 submission letters containing 262 comments to the notice during the 60-day comment period that ended on July 20, 2015. (Some submission letters included multiple comments.)

Summary of Comments

Of the 262 comments received, 162 pertain to where we count prisoners¹ and 87 pertain to where we count military personnel overseas. We also received two comments on people in group homes for juveniles, two comments on people in residential treatment centers for juveniles, and one comment on students in boarding schools. We also received one comment on the residence rule itself and one comment on each of four other residence situations: visitors on census day, people who live in more than one place, people without a usual residence, and nonrelatives of the householder. Finally, we received three comments that covered broader issues: one pertaining to how the residence rule and situations are communicated, one pertaining to how field staff are trained on the residence rule and situations, and one on how alternative addresses are collected from certain types of group quarters (GQs). Table 1 summarizes all the comments received.

¹ The majority of comments received on this topic used the terms ‘prisoner,’ ‘incarcerated,’ or ‘inmate.’ Although the terminology is not exactly what the Census Bureau uses in the residence rule documentation, the Census Bureau believes the context of the comments suggests the comments apply to people in Federal and State Prisons, local jails and other municipal confinement facilities, and possibly Federal detention centers. References in this document to “prisons” or “prisoners” should be interpreted as referring to all of these Group Quarters types.

Table 1. Comments Received on Residence Rule and Residence Situations		
	Number	Percent of All Comments
Total	262	100%
Prisoners	162	61.8%
Military Deployed Overseas	87	33.2%
Group Homes for Juveniles	2	0.8%
Residential Treatment Centers for Juveniles	2	0.8%
Boarding School Students	1	0.4%
Residence Rule	1	0.4%
Visitors on Census Day	1	0.4%
People Who Live in More Than One Place	1	0.4%
People Without a Usual Residence	1	0.4%
Nonrelatives of the Householder	1	0.4%
Issues other than Residence Rule or Situations	3	1.1%

Summary of Comments on Prisoners

Of the 162 comments pertaining to prisoners, 155 stated that prisoners should be counted at their home or pre-incarceration address (See Table 2). They stated that counting prisoners at the prison inaccurately represents the prisoners' home communities, inflates the political power of the area where the prison is located, and deflates the political power in the prisoners' home communities. These commenters suggested that this distorts the redistricting process. A number of these commenters also specifically commented that counting prisoners away from their home address goes against the principle of equal representation, and some further noted that the current residence rule for prisoners is inconsistent with their state laws regarding residency for elections.

One of these comments focused only on inmates in local jails awaiting trial, noting that as they are presumed innocent, they should be counted at their usual residence.

A number of commenters argued that the “usual residence” concept itself should change as it relates to incarcerated persons, arguing that the tremendous increase in the number of incarcerated people in the last 30 years and the Supreme Court’s support of equal representation warranted a change in the interpretation of the concept of “usual residence.”

Additional arguments cited were that prisoners do not interact or participate in the civic life of the community where they are incarcerated, are there involuntarily, and generally do not plan to remain in that community upon their release.

Six comments were in support of the 2010 practice of counting prisoners at the prison, arguing that adjusting prisoners’ locations would be difficult, expensive, add unneeded complexity, and would be prone to inaccuracy. Of the six comments in support of counting prisoners at the prison, one mentioned a concern that adjusting the prisoners’ locations could disenfranchise minorities in rural areas, and two argued that changing the current practice could open the door to future Census population count adjustments motivated by political gain.

We also received a comment suggesting the Census Bureau establish an exact time on Census Day to record where people are, and use that to determine where to count people who may be in transit to/from/between prison facilities.

	Number	Percent
Total	162	100%
Support changing guidance and counting at some other address	155	96.0%
Support current situational guidance (count at prison)	6	3.4%
Suggest Census Bureau establish exact time on Census Day to record people	1	0.6%

Summary of Comments on the Military Overseas

Of the 87 comments we received pertaining to the military overseas, all argued for counting military service members overseas on short-term deployments at their home base or port (See Table 3). Some of the comments also added that deployed military with spouses should be counted with their families. The commenters also suggested that the Census Bureau work with

military bases to locate more accurate administrative records for counting deployed military and use administrative records to also provide socioeconomic information on the deployed military.

There are two issues referenced in these comments. First of all, the comments generally refer to military personnel *deployed* overseas, making a distinction from military personnel *stationed* overseas. (In censuses prior to 2010 where the military overseas were counted, deployed and stationed personnel were treated the same.) Second, the comments indicate that not only do they want military personnel deployed overseas to be counted at their “usual residence,” “last duty station,” or “home base or port,” (which we are inferring to mean the same thing), they want these personnel counted in the resident population rather than the overseas population (which is used for apportionment purposes only). Some comments explicitly state this, but for many it is implied. For example, many comments referred to the need for counting deployed military in the communities where they usually reside, because doing otherwise “produces flawed data that harms funding and planning in military communities.” Another comment referred to ensuring “communities have the needed resources to support these soldiers and their families.” These and other comments seem to refer to local level planning and funding that is normally determined using the Census resident population data (available down to the tabulation block level) and not the apportionment counts, which are only available at the state level.

One of the 87 comments drew a connection between how the Census Bureau counts deployed military overseas and how we count U.S. military personnel on U.S. military vessels with a U.S. homeport, to support his argument. The *Residence Rule and Residence Situations for the 2010 Census* document states that the latter are “counted at the onshore U.S. residence where they live and sleep most of the time. If they have no onshore U.S. residence, they are counted at their vessel’s homeport.” The commenter argued that this is inconsistent with how we have counted deployed military with a U.S. land base or post, and asked that all branches of service be treated the same and counted at their residence or home base/port.

	Number	Percent
Total	87	100.0%
Support counting in resident population at person's home base or port	87	100.0%

Summary of Comments on Group Homes for Juveniles and Residential Treatment Centers for Juveniles

We received two comments on group homes for juveniles and two comments on residential treatment centers for juveniles. All four of the comments supported counting the juveniles in these situations at their “household residence.” One of the comments on the group homes and

one of the comments on the residential treatment centers further stated that the juveniles should only be counted at their household residence if it is in the same state as the facility. If the residence is not in the same state, they should be counted at the facility. All four comments argued that counting juveniles at the facility inflates the political power of the area where the facility is located and dilutes the representation of the juveniles' home communities.

Summary of the Comment on Boarding Schools

We received one comment pertaining to boarding schools. The commenter suggested applying the current guidance for students attending college to students attending boarding schools. The commenter noted that for foreign students attending boarding school, the school is their usual residence most of the year, and their parents live overseas. Therefore, these students likely were not counted under the 2010 guidance, even though they reside in the United States most of the year, because they do not have a parental home in the United States.

Summary of Comments on the Residence Rule, Visitors on Census Day, People Who Live in More Than One Place, People Without a Usual Residence and Nonrelatives of the Householder

We received a letter from the National Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Task Force that included five comments, one on the residence rule itself and one comment on each of the following four situations: visitors on census day, people who live in more than one place, people without a usual residence, and nonrelatives of the householder. The letter commented on the “unique ways in which lesbian, gay, bisexual, transgender, and queer (LGBTQ) people often experience homelessness” and cited an argument that LGBTQ people are “disproportionately likely to experience homelessness” The writer argued that LGBTQ people experiencing homelessness are more likely to avoid shelters and instead “couch-surf,” “trade sex for shelter,” or “stay with friends or family.” Therefore, the writer argues,

“LGBTQ people may be less likely to be regarded as ‘residents’ by those with whom they are staying. Census respondents might assume that such people have another residence where they spend more time or might otherwise dismiss counting them as part of their residence.”

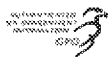
The comment pertaining to the “Visitors on Census Day” situation was to eliminate it as a separate situation and merge it into the “People Away From Their Usual Residence on Census Day” situation. The comments on the residence rule and the other three situations were to add specific wording to provide clearer guidance so that people experiencing homelessness might recognize that these situations apply to them.

Other Comments

We received three comments that were unique in that they did not address the residence rule directly, nor did they address any particular situation. One comment argued for the importance of “an easily-interpreted and logically consistent residence rule for each type of residence situation,” including “how respondents should interpret the often-used Residence Rule phrase ‘most of the time.’” The commenter went on to argue for applying and communicating the rules consistently across the country and cited the need for sound training for 2020 Census field workers, clear communication to 2020 Census partners and the public, and a “designated point-of-contact for residence determination.”

A second comment encouraged the Census Bureau to produce summary file tabulations based on the answers to the “Does Person [X] sometimes live or stay somewhere else?” question, arguing that it would “help facilitate the best interpretation and use of decennial census data at the state and local level.”

Finally, we received one comment asking the Census Bureau to revisit the 2010 Individual Census Report (ICR) questions related to collecting information about where else the respondent might live or stay, and making it more consistent with the household Census questionnaire.



Parker at RulemakingEAs@ee.doe.gov or by telephone at (240) 562-1645. The draft environmental assessment also is available for viewing in the Golden Public Reading Room at:

www.energy.gov/node/1840021.

SUPPLEMENTARY INFORMATION: DOE has published a notice of proposed rulemaking in the *Federal Register* pertaining to energy efficiency for manufactured housing. 81 FR 39756 (June 17, 2016). Pursuant to the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*), DOE EERE has prepared a draft environmental assessment (EA) to evaluate the environmental impacts of this proposed action. DOE is seeking public comment on the environmental issues addressed in the EA. In conjunction with issuance of this draft EA for public review and comment, DOE is issuing a request for information that will help it analyze potential impacts on indoor air quality (IAQ) from the proposed energy conservation standards, in particular sealing manufactured homes tighter.

Statutory Authority: National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*).

Issued in Golden, CO, on June 21, 2016.

Robin L. Sweeney,

Director, Environment, Safety and Health Office, Office of Energy Efficiency and Renewable Energy.

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DEPARTMENT OF COMMERCE

Bureau of the Census

15 CFR Chapter I

[Docket Number 160526465-6465-01]

Proposed 2020 Census Residence Criteria and Residence Situations

AGENCY: Bureau of the Census, Department of Commerce.

ACTION: Proposed criteria and request for comment.

SUMMARY: The Bureau of the Census (U.S. Census Bureau) is providing notification and requesting comment on the proposed "2020 Census Residence Rule and Residence Situations." In addition, this document contains a summary of comments received in response to the May 20, 2015, *Federal Register* document, as well as the Census Bureau's responses to those comments. The residence criteria are used to determine where people are counted during each decennial census. Specific residence situations are

included with the criteria to illustrate how the criteria are applied.

DATES: To ensure consideration, comments must be received by August 1, 2016.

ADDRESSES: Direct all written comments regarding the proposed "2020 Census Residence Rule and Residence Situations" to Karen Humes, Chief, Population Division, U.S. Census Bureau, Room 6H174, Washington, DC 20233; or Email [POP.2020.Residence.Rule@census.gov].

FOR FURTHER INFORMATION CONTACT: Population and Housing Programs Branch, U.S. Census Bureau, 6H185, Washington, DC 20233, telephone (301) 763-2381; or Email [POP.2020.Residence.Rule@census.gov].

SUPPLEMENTARY INFORMATION:

A. Background

The U.S. Census Bureau is committed to counting every person in the 2020 Census once, only once, and in the right place. The fundamental reason that the decennial census is conducted is to fulfill the Constitutional requirement (Article I, Section 2) to apportion the seats in the U.S. House of Representatives among the states. Thus, for a fair and equitable apportionment, it is crucial that the Census Bureau counts everyone in the right place during the decennial census.

The residence criteria are used to determine where people are counted during each decennial census. Specific residence situations are included with the criteria to illustrate how the criteria are applied.

1. The Concept of Usual Residence

The Census Act of 1790 established the concept of "usual residence" as the main principle in determining where people were to be counted, and this concept has been followed in all subsequent censuses. "Usual residence" has been defined as the place where a person lives and sleeps most of the time. This place is not necessarily the same as a person's voting residence or legal residence.

Determining usual residence is straightforward for most people. However, given our nation's wide diversity in types of living arrangements, the concept of usual residence has a variety of applications. Some examples include people experiencing homelessness, people with a seasonal/second residence, people in prisons, people in the process of moving, people in hospitals, children in shared custody arrangements, college students, live-in employees, military

personnel, and people who live in workers' dormitories.

Applying the usual residence concept to real living situations means that people will not always be counted at the place where they happen to be staying on Census Day (April 1, 2020) or at the time they complete their census questionnaire. For example, some of the ways that the Census Bureau applies the concept of usual residence include the following:

- People who are away from their usual residence while on vacation or on a business trip on Census Day are counted at their usual residence.
- People who live at more than one residence during the week, month, or year are counted at the place where they live most of the time.
- People without a usual residence are counted where they are staying on Census Day.
- People in certain types of group facilities¹ on Census Day are counted at the group facility.

2. Reviewing the "2020 Census Residence Rule and Residence Situations"

Every decade, the Census Bureau undertakes a review of the "Residence Rule and Residence Situations" to ensure that the concept of usual residence is interpreted and applied as intended in the decennial census, and that these interpretations are consistent with the intent of the Census Act of 1790, which was authored by a Congress that included many of the framers of the U.S. Constitution and directed that people were to be counted at their usual residence. This review also serves as an opportunity to identify new or changing living situations resulting from societal change, and to create or revise the guidance regarding those situations in a way that is consistent with the concept of usual residence.

This decade, as part of the review, the Census Bureau requested public comment on the "2010 Census Residence Rule and Residence Situations" through the *Federal Register* (80 FR 28950) on May 20, 2015, to allow the public to recommend any changes they would like to be considered for the 2020 Census. The Census Bureau received 252 comment submission letters or emails that contained 262 total comments. (Some comment submissions included comments or suggestions on more than

¹ In this document, "group facilities" (referred to also as "group quarters" (GQ)) are defined as places where people live or stay in group living arrangements, which are owned or managed by an entity or organization providing housing and/or services for the residents.

one residence situation.) A summary of these comments and the Census Bureau's responses are included in section B of this document.

In addition to the Census Bureau's responses to comments that are described in section B of this document, section C provides a summary of each of the proposed changes to where people would be counted in the 2020 Census compared to the 2010 Census. These proposed changes are based on the consideration of public comments received, as well as an internal review of the criteria and situations.

The Census Bureau is requesting public comment on the proposed "2020 Census Residence Rule and Residence Situations", as listed in section D of this document. The Census Bureau is requesting public comment on the proposed "2020 Census Residence Rule and Residence Situations," as listed in section D of this document. The Census Bureau anticipates publishing the final "2020 Census Residence Rule and Residence Situations" by the end of 2016. At that time, the Census Bureau will also respond to the comments received regarding the proposed "2020 Census Residence Rule and Residence Situations."

B. Summary of Comments Received in Response to a Review of the "2010 Census Residence Rule and Residence Situations"

On May 20, 2015, the Census Bureau published a document in the Federal Register asking for public comment on the "2010 Census Residence Rule and Residence Situations." Of the 262 comments received, 162 pertained to where prisoners² are counted, and 87 pertained to where military personnel overseas are counted. Two comments pertained to people in group homes for juveniles, two comments to people in residential treatment centers for juveniles, and one comment to students in boarding schools. Also, one comment pertained to the residence criteria, and one comment to each of four other residence situations: Visitors on Census Day, people who live in more than one place, people without a usual residence, and nonrelatives of the householder. Finally, three comments covered

² The majority of comments received on this topic used the terms "prisoner," "incarcerated," or "inmate." Although the terminology is not exactly what is used in the residence rule documentation, the context of the comments suggests that they apply to people in federal and state prisons (GQ type 102 and 103), local jails and other municipal confinement facilities (GQ type 104), and possibly federal detention centers (GQ type 101). References in this document to "prisons," or "prisoners," should be interpreted as referring to all of these GQ types.

broader issues: One pertaining to how the residence criteria and situations are communicated, one pertaining to how field staff is trained on the residence criteria and situations, and one on how alternative addresses are collected from certain types of group facilities.

1. Comments on Prisoners

Of the 162 comments pertaining to prisoners, 156 suggested that prisoners should be counted at their home or pre-incarceration address. The rationales included in these comments were as follows:

- Counting prisoners at the prison inaccurately represents the prisoners' home communities, inflates the political power of the area where the prison is located, and deflates the political power in the prisoners' home communities. This distorts the redistricting process.
- Counting prisoners away from their home address goes against the principle of equal representation.
- The current residence criteria for prisoners is inconsistent with some states' laws regarding residency for elections.
- The "usual residence" concept itself should change, as it relates to incarcerated persons, because the tremendous increase in the number of incarcerated people in the last 30 years, and the Supreme Court's support of equal representation, warrants a change in the interpretation of the concept of "usual residence."
- Prisoners do not interact or participate in the civic life of the community where they are incarcerated, are there involuntarily, and generally do not plan to remain in that community upon their release.
- One comment stated that inmates in local jails who are awaiting trial are presumed innocent, and therefore should not be counted at the jail.

Six comments were in support of the 2010 practice of counting prisoners at the prison, stating that adjusting prisoners' locations would be difficult, expensive, add unneeded complexity, and would be prone to inaccuracy. Of the six comments in support of counting prisoners at the prison, one mentioned a concern that adjusting the prisoners' locations could disenfranchise minorities in rural areas, and four said that changing the current practice could open the door to future census population count adjustments motivated by political gain.

Census Bureau Response: The Census Bureau has determined that the practice of counting prisoners at the correctional facility for the 2020 Census would be consistent with the concept of usual residence, as established by the Census

Act of 1790. As noted in section A.1 of this document, "usual residence" is defined as the place where a person lives and sleeps most of the time, which is not always the same as their legal residence, voting residence, or where they prefer to be counted. Therefore, counting prisoners anywhere other than the facility would violate the concept of usual residence, since the majority of people in prisons live and sleep most of the time at the prison.

States are responsible for legislative redistricting. The Census Bureau works closely with the states and recognizes that some states have decided, or may decide in the future, to 'move' their prisoner population back to the prisoners' pre-incarceration addresses for redistricting and other purposes. Therefore, following the 2020 Census, the Census Bureau plans to offer a product that states can request, in order to assist them in their goals of reallocating their own prisoner population counts. Any state that requests this product will be required to submit a data file (indicating where each prisoner was incarcerated on Census Day, as well as their pre-incarceration address) in a specified format. The Census Bureau will review the submitted file and, if it includes the necessary data, provide a product that contains supplemental information the state can use to construct alternative within-state tabulations for its own purposes. However, the Census Bureau will not use the information in this product to make any changes to the official decennial census counts.

The Census Bureau also plans to provide group quarters data after the 2020 Census sooner than it was provided after the 2010 Census. For the 2010 Census, the Census Bureau released the *Advance Group Quarters Summary File* showing the seven major types of group quarters, including correctional facilities for adults and juvenile facilities. This early³ release of data on the group quarters population was beneficial to many data users, including those in the redistricting community who must consider whether to include or exclude certain populations when redrawing boundaries as a result of state legislation. The Census Bureau is planning to incorporate similar group quarters

³ The *Advance Group Quarters Summary File* was released on April 20, 2011, which was earlier than when that GQ data was originally planned to be released in the *Summary File 1* that was released on June 16–August 25, 2011. The earlier release made it easier to use these GQ data in conjunction with the *Redistricting Data (Pub. L. 94-171) Summary File*, which was released on February 3–March 24, 2011.

information in the standard *Redistricting Data (Pub. L. 94-171) Summary File* for 2020.

2. Comments on the Military Overseas

Of the 87 comments received pertaining to the military overseas, all suggested that the Census Bureau treat military personnel who are temporarily deployed overseas on a short-term basis differently than military personnel who are stationed overseas on a more long-term basis. More specifically, these comments suggested that military personnel who are deployed overseas should be counted at their home base or port. The commenters also suggested that the Census Bureau work with military bases to locate more accurate administrative records for counting deployed military and use administrative records to provide socioeconomic information on the deployed military.

In the 2010 Census, the Census Bureau counted all military personnel deployed or stationed overseas in their 'home of record' state for apportionment purposes only. Their home of record was provided by the Department of Defense (DOD),⁴ and those state counts were added to the state population counts that were used to calculate the apportionment of seats for each state in the U.S. House of Representatives.

The commenters not only indicated that they want military personnel deployed overseas to be counted at their "usual residence," "last duty station," or "home base or port," (which are inferred to mean the same thing), but also that they want the Census Bureau to collect all decennial census demographic data on these personnel and include them in the local community-level resident population counts, rather than only using a basic population count of them for determining the state-level apportionment counts. For example, many comments referred to the need for counting deployed military in the communities where they usually reside, because doing otherwise "produces flawed data that harms funding and planning in military communities." Another comment referred to ensuring "communities have the needed resources to support these soldiers and their families." These and other

⁴ Home of record is generally the permanent home of the person at the time of entry or enlistment into the Armed Forces, as included on personnel files. If home of record information was not available for a person, the DOD used the person's "legal residence" (the residence a member declares for state income tax withholding purposes), or thirdly, "last duty station," to assign a home state.

comments may refer to local-level planning and funding that is normally determined using the Census resident population data (available down to the block level) and not the apportionment counts, which are only available at the state level.

To support the argument for counting deployed military overseas at their usual residence in the United States, one of the 87 commenters compared how the Census Bureau counts U.S. military personnel deployed to a land-based location overseas versus U.S. military personnel on U.S. military vessels with a U.S. homeport. The "2010 Census Residence Rule and Residence Situations" stated that the latter are "counted at the onshore U.S. residence where they live and sleep most of the time. If they have no onshore U.S. residence, they are counted at their vessel's homeport." The commenter argued that this is inconsistent with how the Census Bureau has counted military personnel who are deployed to a land-based location overseas (while stationed at a location in the United States), and asked that all branches of service be treated the same and counted at their residence or home base/port.

Census Bureau Response: The Census Bureau has determined that there is a distinction between personnel who are deployed overseas and those who are stationed or assigned overseas. Deployments are typically short in duration, and the deployed personnel will be returning to their usual residence where they are stationed or assigned in the United States after their temporary deployment ends. Personnel stationed or assigned overseas generally remain overseas for longer periods of time, and often do not return to the previous stateside location from which they left. Therefore, counting deployed personnel at their usual residence in the United States follows the standard interpretation of the residence criteria to count people at their usual residence if they are temporarily away for work purposes. This change would provide consistency with how the Census Bureau counts U.S. military personnel on U.S. military vessels.

Based on the considerations described in the previous paragraph, for the 2020 Census, the Census Bureau proposes using administrative data from the DOD to count deployed personnel at their usual residence in the United States.⁵ The Census Bureau would continue to

⁵ The ability to successfully integrate the DOD data on deployed personnel into the resident population counts must be evaluated and confirmed prior to the 2020 Census.

count military and civilian employees of the U.S. Government who are stationed or assigned outside the United States, and their dependents living with them, in their home state, for apportionment purposes only, using administrative data provided by the DOD and the other federal agencies that employ them.

3. Comments on Group Homes for Juveniles and Residential Treatment Centers for Juveniles

Two comments pertained to group homes for juveniles and two comments to residential treatment centers for juveniles. All four of the comments supported counting the juveniles in these situations at their "household residence." One of the commenters on the group homes and one of the commenters on the residential treatment centers further stated that the juveniles should only be counted at their household residence if it is in the same state as the facility. If the residence is not in the same state, these two commenters stated that the juvenile should be counted at the facility. All four commenters argued that counting juveniles at the facility inflates the political power of the area where the facility is located and dilutes the representation of the juveniles' home communities.

Census Bureau Response: The Census Bureau reviewed where juveniles in these types of facilities are counted, based on the concept of usual residence. Most juveniles living in group homes are there for long periods of time and do not have a usual home elsewhere. The group home is where they live and sleep most of the time, so that is their usual residence. Conversely, most people in residential treatment centers for juveniles only stay at the facility temporarily and often have a usual home elsewhere that they return to after treatment is completed.

Based on the considerations described in the previous paragraph, the Census Bureau has determined that the practice of counting people in group homes for juveniles at the facility is consistent with the concept of usual residence. However, for the 2020 Census, the Census Bureau proposes to count people in residential treatment centers for juveniles at the residence where they live and sleep most of the time. If they do not have a usual home elsewhere, they would be counted at the facility.

4. Comment on Boarding Schools

One of the comments received was related to boarding schools. The commenter suggested applying the current guidance for students attending college to students attending boarding

schools. In the past, students at boarding schools were counted at their parental home, while college students living away from their parental home while attending school were counted at the on-campus or off-campus residence where they lived and slept most of the time. The commenter noted that for foreign students attending boarding school, the school is their usual residence most of the year, and their parents live overseas. Therefore, these students likely were not counted under the 2010 guidance, even though they reside in the United States most of the year, because they do not have a parental home in the United States.

Census Bureau Response: The Census Bureau has historically counted boarding school students at their parental home, and has determined that it will continue doing so because of the students' age and dependency on their parents, and the likelihood that they would return to their parents' residence when they are not attending their boarding school (e.g., weekends, summer/winter breaks, and when they stop attending the school).

5. Comments on Specific Wording of the "Residence Rule and Residence Situations"

One letter commented on the specific wording of the residence criteria and four residence situations. The letter focused on people who experience homelessness in nontraditional ways, avoid shelters, and instead stay with family, friends, or acquaintances.

(a) Residence Criteria

The comment was to add a fourth bullet (in addition to the three bullets that we already use to present the three main principles of the residence criteria, as shown in section D of this document) with language to make it clear where people experiencing homelessness, who are not in a shelter or facility, are counted.

Census Bureau Response: The Census Bureau has determined that the current wording of the residence criteria will be retained, because they are purposely written to broadly encapsulate all residence situations in a succinct way, and it is consistent with the requirement to count people at their usual residence, as originally prescribed by the Census Act of 1790. However, in section B.5.d of this document, the Census Bureau proposes an addition to the residence situations in order to provide more clarity on where people who are experiencing homelessness are counted.

(b) Visitors on Census Day

The commenter suggested eliminating the "Visitors on Census Day" residence situation and merging it into the "People Away From Their Usual Residence on Census Day" situation. The commenter was concerned that the way the situation was described in the 2010 documentation implied that "visitors" had another home to return to, which is not the case for visitors who are experiencing homelessness.

Census Bureau Response: The Census Bureau has determined that it will retain the separate "Visitors on Census Day" situation, but proposes removing the phrase "who will return to their usual residence" from the description. Additionally, the following sentence would be added to the end of the situation wording to further clarify that not all visitors have another home to return to: "If they do not have a usual residence to return to, they are counted where they are staying on Census Day."

(c) People Who Live in More Than One Place

This commenter also suggested changing the 2010 wording for the category title "People Who Live in More Than One Place" to "People With Multiple Residences." The examples in this category were not intended to address people experiencing homelessness. However, the commenter noted that people experiencing homelessness might stay in a different place from night to night, and therefore could also be interpreted as "People Who Live in More Than One Place."

Census Bureau Response: The Census Bureau was concerned that the commenter's suggested category title of "People with Multiple Residences," might also wrongly be interpreted as applying only to people who own multiple residences. Therefore, the Census Bureau proposes to change the category title to "People Who Live or Stay in More Than One Place."

(d) People Without a Usual Residence

The commenter also suggested adding a residence situation for "couch-surfers, youth experiencing homelessness, or other people staying in your residence for short or indefinite periods of time" to the "People Without a Usual Residence" category. The commenter believed that the examples included in this category in 2010 only addressed the more typical conception of homelessness (e.g., people at soup kitchens or at non-sheltered outdoor locations), which does not align with how many other people experience homelessness in less recognized ways.

Census Bureau Response: The Census Bureau proposes to add a residence situation description to a new category called "People in Shelters and People Experiencing Homelessness," which clarifies where people are counted if they are experiencing homelessness and staying with friends or other people for short or indefinite periods of time (see section D.21.f of this document for exact wording).

(e) Nonrelatives of the Householder

Finally, the commenter suggested adding the same new situation, "couch-surfers, youth experiencing homelessness, or other people staying in your residence for short or indefinite periods of time" to the "Nonrelatives of the Householder" category.

Census Bureau Response: The Census Bureau proposes to address this comment by adding a situation for "Other nonrelatives, such as friends" to this category. Additionally, the Census Bureau proposes changing the title of this category from "Nonrelatives of the Householder" to "Relatives and Nonrelatives" and adding some situations that address relatives frequently missed or counted in the wrong place during the Census.

6. Other Comments

Three of the comments received did not address the residence criteria directly, nor did they address any particular residence situation.

(a) Clear Communication on the Residence Criteria and Residence Situations

One commenter suggested applying and communicating the residence criteria consistently across the country and cited the need for sound training for 2020 Census field workers, clear communication to 2020 Census partners and the public, and a "designated point-of-contact for residence determination."

Census Bureau Response: The Census Bureau is proposing many changes to the language and organization of the residence criteria and residence situations documentation to assist people in interpreting the criteria. However, issues related to training staff and the structure of specific 2020 Census operations are out of scope for this document.

(b) Questionnaire Content and Tabulations

One comment requested that the Census Bureau revisit the 2010 Individual Census Report (ICR) questions related to collecting information about where else the respondent might live or stay, and

making it more consistent with the household Census questionnaire. A second comment encouraged the Census Bureau to produce summary file tabulations based on the answers to the "Does Person [X] sometimes live or stay somewhere else?" question, arguing that it would "help facilitate the best interpretation and use of decennial census data at the state and local level."

Census Bureau Response: These comments are out of scope for this document.

C. Proposed Changes to the "2020 Census Residence Rule and Residence Situations"

Most of the provisions regarding where people are counted, which are described in the proposed "2020 Census Residence Rule and Residence Situations" (section D of this document), would remain unchanged from those that were used for the 2010 Census. Therefore, this section C of this document will help the reader by providing a brief description of each of the proposed changes to where people are counted. All other changes to the proposed wording and/or presentation of the residence criteria and residence situations, as compared to how they were written for the 2010 Census, would be made in order to provide more clarity or to document provisions that were not explicitly stated in the past. (In other words, any differences between the 2010 and proposed 2020 Census residence criteria and situations documents that are not explained in section C of this document are only clarifications, rather than actual changes to the residence criteria or to where people would be counted in the decennial census.)

1. Federally Affiliated Overseas

(a) Military and Civilian Employees of the U.S. Government Who Are Deployed Overseas

For the 2010 Census, military and civilian employees of the U.S. Government who were deployed or stationed/assigned outside the United States (and their dependents living with them outside the United States) were counted (using administrative data) in their home state for apportionment purposes only. For the 2020 Census, there would be no change to how the Census Bureau counts the military and civilian Federal employees who are stationed or assigned outside the United States. However, there would be a change for deployed personnel, such that military and civilian employees of the U.S. Government who are deployed outside the United States (while

stationed or assigned in the United States) would be counted at their usual residence in the United States and included in all 2020 Census data products (rather than only the apportionment counts). This change seeks to count deployed personnel in a way that is more consistent with the concept of usual residence, based on the short duration of most deployments and the fact that the personnel will return to their usual residence where they are stationed or assigned in the United States after their temporary deployment ends. More details about the considerations for this change can be found in section B of this document.

(b) Military and Civilian Employees of the U.S. Government Who Are Non-Citizens and Are Deployed or Stationed/Assigned Overseas

The "2010 Census Residence Rule and Residence Situations" were not clearly consistent regarding whether citizenship was a criterion for being included in the federally affiliated overseas population. The wording of the residence situation for military personnel overseas did not specify any citizenship criteria. However, the wording for Federal civilian employees overseas did specifically refer to U.S. citizens only, and the operational plan for the 2010 Census Federally Affiliated Overseas Count specified that both military and civilian employees of the U.S. Government who were non-citizens were excluded from the overseas counts, despite the fact that non-citizens were included in the stateside population.

After the 2010 Census, the operational assessment report for the Federally Affiliated Overseas Count recommended that the "2020 Census Residence Rule and Residence Situations" should make the guidance regarding citizenship clear and consistent not only across both military and civilian employees overseas, but also across the overseas and stateside populations. When considering such a change, the Census Bureau concluded that the rationales that are used for including the federally affiliated overseas population in the decennial census (e.g., that they are temporarily away in service to our country's government) are equally applicable to citizens and non-citizens alike. Therefore, for the 2020 Census, military and civilian employees of the U.S. Government who are deployed or stationed/assigned overseas and are not U.S. citizens (but must be legal U.S. residents to meet the requirements for federal employment) would be included in the Federally Affiliated Overseas Count (which would follow the guidelines for deployed and stationed/

assigned military personnel that are described in section C.1.a of this document).

2. Crews of U.S. Flag Maritime/Merchant Vessels

For the 2010 Census, crews of U.S. flag maritime/merchant vessels were counted based on where the vessel was located on Census Day. If the vessel was docked in a U.S. port or sailing from one U.S. port to another U.S. port, then the crewmembers were counted at their onshore usual residence in the United States. (Or if they had no onshore usual residence, they were counted at the vessel's U.S. port of departure.) Otherwise, the crewmembers were not counted in the census if the vessel was sailing from a U.S. port to a foreign port, sailing from a foreign port to a U.S. port, sailing from one foreign port to another foreign port, or docked in a foreign port.

For the 2020 Census, there would be no change to how the Census Bureau counts crews of U.S. flag maritime/merchant vessels that are docked in a U.S. port, sailing from one U.S. port to another U.S. port, sailing from one foreign port to another foreign port, or docked in foreign port. However, there would be a change for crews of U.S. flag maritime/merchant vessels that are sailing from a U.S. port to a foreign port or sailing from a foreign port to a U.S. port, such that the crewmembers of these vessels would be counted at their onshore usual residence in the United States. (Or if they have no onshore usual residence, they would be counted at the U.S. port that the vessel is sailing to or from.) This change seeks to count crews of U.S. flag maritime/merchant vessels in a way that is more consistent with the concept of usual residence, based on the fact that mariners sailing between U.S. and foreign ports typically have the same pattern of usual residence as mariners sailing between two U.S. ports (i.e., they retain an onshore residence in the United States where they live and sleep most of the time).

3. Residential Treatment Centers for Juveniles

For the 2010 Census, all juveniles staying in residential treatment centers for juveniles on Census Day were counted at the facility. For the 2020 Census, juveniles staying in this type of facility would be counted at a usual home elsewhere if they have one (where they live and sleep most of the time around Census Day) and they report a useable address for that usual home elsewhere. If they do not have a usual home elsewhere, then they would be counted at the facility. This change seeks to count juveniles staying in

residential treatment centers for juveniles in a way that is more consistent with the concept of usual residence, based on the short average length of stay at this facility type, and the fact that juveniles often retain a usual home elsewhere while staying at this facility type. More details about the considerations for this change can be found in section B of this document.

4. Religious Group Quarters

For the 2010 Census, people staying in religious group quarters were counted at a usual home elsewhere if they had one (where they lived and slept most of the time around Census Day) and they reported a useable address for that usual home elsewhere. If they did not have a usual home elsewhere, then they were counted at the facility. For the 2020 Census, all people staying in religious group quarters on Census Day would be counted at the facility.

D. The Proposed "2020 Census Residence Rule and Residence Situations"

The Residence Rule is used to determine where people are counted during the 2020 Census. The Rule says:

- Count people at their usual residence, which is the place where they live and sleep most of the time.
- People in certain types of group facilities on Census Day are counted at the group facility.
- People who do not have a usual residence, or who cannot determine a usual residence, are counted where they are on Census Day.

The following sections describe how the Residence Rule applies to certain living situations for which people commonly request clarification.

1. PEOPLE AWAY FROM THEIR USUAL RESIDENCE ON CENSUS DAY

(a) *People away from their usual residence on Census Day, such as on a vacation or a business trip, visiting, traveling outside the U.S., or working elsewhere without a usual residence there (for example, as a truck driver or traveling salesperson)*—Counted at the residence where they live and sleep most of the time.

2. VISITORS ON CENSUS DAY

(a) *Visitors on Census Day*—Counted at the residence where they live and sleep most of the time. If they do not have a usual residence to return to, they are counted where they are staying on Census Day.

3. FOREIGN CITIZENS IN THE U.S.

(a) *Citizens of foreign countries living in the U.S.*—Counted at the U.S.

residence where they live and sleep most of the time.

(b) *Citizens of foreign countries living in the U.S. who are members of the diplomatic community*—Counted at the embassy, consulate, United Nations' facility, or other residences where diplomats live.

(c) *Citizens of foreign countries visiting the U.S., such as on a vacation or business trip*—Not counted in the census.

4. PEOPLE LIVING OUTSIDE THE U.S.

(a) *People deployed outside the U.S.⁶ on Census Day (while stationed or assigned in the U.S.) who are military or civilian employees of the U.S. Government*—Counted at the U.S. residence where they live and sleep most of the time, using administrative data provided by federal agencies.⁷

(b) *People stationed or assigned outside the U.S. on Census Day who are military or civilian employees of the U.S. Government, as well as their dependents living with them outside the U.S.*—Counted as part of the U.S. federally affiliated overseas population, using administrative data provided by federal agencies.

(c) *People living outside the U.S. on Census Day who are not military or civilian employees of the U.S. Government and are not dependents living with military or civilian employees of the U.S. Government*—Not counted in the stateside census.

5. PEOPLE WHO LIVE OR STAY IN MORE THAN ONE PLACE

(a) *People living away most of the time while working, such as people who live at a residence close to where they work and return regularly to another residence*—

⁶In this document, "Outside the U.S." and "foreign port" are defined as being anywhere outside the geographical area of the 50 United States and the District of Columbia. Therefore, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, the Pacific Island Areas (American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands), and all foreign countries are considered to be "outside the U.S." Conversely, "stateside," "U.S. homeport," and "U.S. port" are defined as being anywhere in the 50 United States and the District of Columbia.

⁷Military and civilian employees of the U.S. Government who are deployed or stationed/assigned outside the U.S. (and their dependents living with them outside the U.S.) are counted using administrative data provided by the Department of Defense and the other Federal agencies that employ them. If they are deployed outside the U.S. (while stationed/assigned in the U.S.), the administrative data are used to count them at their usual residence in the U.S. Otherwise, if they are stationed/assigned outside the U.S., the administrative data are used to count them (and their dependents living with them outside the U.S.) in their home state for apportionment purposes only.

Counted at the residence where they live and sleep most of the time. If they cannot determine a place where they live most of the time, they are counted where they are staying on Census Day.

(b) *People who live or stay at two or more residences (during the week, month, or year), such as people who travel seasonally between residences (for example, snowbirds)*—Counted at the residence where they live and sleep most of the time. If they cannot determine a place where they live most of the time, they are counted where they are staying on Census Day.

(c) *Children in shared custody or other arrangements who live at more than one residence*—Counted at the residence where they live and sleep most of the time. If they cannot determine a place where they live most of the time, they are counted where they are staying on Census Day.

6. PEOPLE MOVING INTO OR OUT OF A RESIDENCE AROUND CENSUS DAY

(a) *People who move into a new residence on or before Census Day*—Counted at the new residence where they are living on Census Day.

(b) *People who move out of a residence on Census Day and do not move into a new residence until after Census Day*—Counted at the old residence where they were living on Census Day.

(c) *People who move out of a residence before Census Day and do not move into a new residence until after Census Day*—Counted at the residence where they are staying on Census Day.

7. PEOPLE WHO ARE BORN OR WHO DIE AROUND CENSUS DAY

(a) *Babies born on or before Census Day*—Counted at the residence where they will live and sleep most of the time, even if they are still in a hospital on Census Day.

(b) *Babies born after Census Day*—Not counted in the census.

(c) *People who die before Census Day*—Not counted in the census.

(d) *People who die on or after Census Day*—Counted at the residence where they were living and sleeping most of the time as of Census Day.

8. RELATIVES AND NONRELATIVES

(a) *Babies and children of all ages, including biological, step, and adopted children, as well as grandchildren*—Counted at the residence where they live and sleep most of the time. If they cannot determine a place where they live most of the time, they are counted where they

are staying on Census Day. (Only count babies born on or before Census Day.)

(b) *Foster children*—Counted at the residence where they live and sleep most of the time. If they cannot determine a place where they live most of the time, they are counted where they are staying on Census Day.

(c) *Spouses and close relatives, such as parents or siblings*—Counted at the residence where they live and sleep most of the time. If they cannot determine a place where they live most of the time, they are counted where they are staying on Census Day.

(d) *Extended relatives, such as grandparents, nieces/nephews, aunts/uncles, cousins, or in-laws*—Counted at the residence where they live and sleep most of the time. If they cannot determine a place where they live most of the time, they are counted where they are staying on Census Day.

(e) *Unmarried partners*—Counted at the residence where they live and sleep most of the time. If they cannot determine a place where they live most of the time, they are counted where they are staying on Census Day.

(f) *Housemates or roommates*—Counted at the residence where they live and sleep most of the time. If they cannot determine a place where they live most of the time, they are counted where they are staying on Census Day.

(g) *Roomers or boarders*—Counted at the residence where they live and sleep most of the time. If they cannot determine a place where they live most of the time, they are counted where they are staying on Census Day.

(h) *Live-in employees, such as caregivers or domestic workers*—Counted at the residence where they live and sleep most of the time. If they cannot determine a place where they live most of the time, they are counted where they are staying on Census Day.

(i) *Other nonrelatives, such as friends*—Counted at the residence where they live and sleep most of the time. If they cannot determine a place where they live most of the time, they are counted where they are staying on Census Day.

9. PEOPLE IN RESIDENTIAL SCHOOL-RELATED FACILITIES

(a) *Boarding school students living away from their parents' or guardians' home while attending boarding school below the college level, including Bureau of Indian Affairs boarding schools*—Counted at their parents' or guardians' home.

(b) *Students in residential schools for people with disabilities on Census Day*—Counted at the school.

(c) *Staff members living at boarding schools or residential schools for people with disabilities on Census Day*—Counted at the residence where they live and sleep most of the time. If they do not have a usual home elsewhere, they are counted at the school.

10. COLLEGE STUDENTS (and Staff Living in College Housing)

(a) *College students living at their parents' or guardians' home while attending college in the U.S.*—Counted at their parents' or guardians' home.

(b) *College students living away from their parents' or guardians' home while attending college in the U.S. (living either on-campus or off-campus)*—Counted at the on-campus or off-campus residence where they live and sleep most of the time. If they are living in college/university student housing (such as dormitories or residence halls) on Census Day, they are counted at the college/university student housing.

(c) *College students living away from their parents' or guardians' home while attending college in the U.S. (living either on-campus or off-campus) but staying at their parents' or guardians' home on break or vacation*—Counted at the on-campus or off-campus residence where they live and sleep most of the time. If they are living in college/university student housing (such as dormitories or residence halls) on Census Day, they are counted at the college/university student housing.

(d) *College students who are U.S. citizens living outside the U.S. while attending college outside the U.S.*—Not counted in the stateside census.

(e) *College students who are foreign citizens living in the U.S. while attending college in the U.S. (living either on-campus or off-campus)*—Counted at the on-campus or off-campus U.S. residence where they live and sleep most of the time. If they are living in college/university student housing (such as dormitories or residence halls) on Census Day, they are counted at the college/university student housing.

(f) *Staff members living in college/university student housing (such as dormitories or residence halls) on Census Day*—Counted at the residence where they live and sleep most of the time. If they do not have a usual home elsewhere, they are counted at the college/university student housing.

11. PEOPLE IN HEALTH CARE FACILITIES

(a) *People in general or Veterans Affairs hospitals (except psychiatric units) on Census Day, including newborn babies still in the hospital on Census Day*—Counted at the residence where they live and sleep most of the time. Newborn babies are counted at the residence where they will live and sleep most of the time. If patients or staff members do not have a usual home elsewhere, they are counted at the hospital.

(b) *People in mental (psychiatric) hospitals and psychiatric units in other hospitals (where the primary function is for long-term non-acute care) on Census Day*—Patients are counted at the facility. Staff members are counted at the residence where they live and sleep most of the time. If staff members do not have a usual home elsewhere, they are counted at the facility.

(c) *People in assisted living facilities⁸ where care is provided for individuals who need help with the activities of daily living but do not need the skilled medical care that is provided in a nursing home*—Residents and staff members are counted at the residence where they live and sleep most of the time.

(d) *People in nursing facilities/skilled-nursing facilities (which provide long-term non-acute care) on Census Day*—Patients are counted at the facility. Staff members are counted at the residence where they live and sleep most of the time. If staff members do not have a usual home elsewhere, they are counted at the facility.

(e) *People staying at in-patient hospice facilities on Census Day*—Counted at the residence where they live and sleep most of the time. If patients or staff members do not have a usual home elsewhere, they are counted at the facility.

12. PEOPLE IN HOUSING FOR OLDER ADULTS

(a) *People in housing intended for older adults, such as active adult communities, independent living, senior apartments, or retirement*

⁸ Nursing facilities/skilled-nursing facilities, in-patient hospice facilities, assisted living facilities, and housing intended for older adults may coexist within the same entity or organization in some cases. For example, an assisted living facility may have a skilled-nursing floor or wing that meets the nursing facility criteria, which means that specific floor or wing is counted according to the guidelines for nursing facilities/skilled-nursing facilities, while the rest of the living quarters in that facility are counted according to the guidelines for assisted living facilities.

communities—Residents and staff members are counted at the residence where they live and sleep most of the time.

13. U.S. MILITARY PERSONNEL

(a) *U.S. military personnel assigned to military barracks/dormitories in the U.S. on Census Day*—Counted at the military barracks/dormitories.

(b) *U.S. military personnel (and dependents living with them) living in the U.S. (living either on base or off base) who are not assigned to barracks/dormitories on Census Day*—Counted at the residence where they live and sleep most of the time.

(c) *U.S. military personnel assigned to U.S. military vessels with a U.S. homeport on Census Day*—Counted at the onshore U.S. residence where they live and sleep most of the time. If they have no onshore U.S. residence, they are counted at their vessel's homeport.

(d) *People who are active duty patients assigned to a military treatment facility in the U.S. on Census Day*—Patients are counted at the facility. Staff members are counted at the residence where they live and sleep most of the time. If staff members do not have a usual home elsewhere, they are counted at the facility.

(e) *People in military disciplinary barracks and jails in the U.S. on Census Day*—Prisoners are counted at the residence where they live and sleep most of the time. If staff members do not have a usual home elsewhere, they are counted at the facility.

(f) *U.S. military personnel who are deployed outside the U.S. (while stationed in the U.S.) and are living on or off a military installation outside the U.S. on Census Day*—Counted at the U.S. residence where they live and sleep most of the time, using administrative data provided by the Department of Defense.

(g) *U.S. military personnel who are stationed outside the U.S. and are living on or off a military installation outside the U.S. on Census Day, as well as their dependents living with them outside the U.S.*—Counted as part of the U.S. federally affiliated overseas population, using administrative data provided by the Department of Defense.

(h) *U.S. military personnel assigned to U.S. military vessels with a homeport outside the U.S. on Census Day*—Counted as part of the U.S. federally affiliated overseas population, using administrative data provided by the Department of Defense.

14. MERCHANT MARINE PERSONNEL ON U.S. FLAG MARITIME/ MERCHANT VESSELS

(a) *Crews of U.S. flag maritime/merchant vessels docked in a U.S. port, sailing from one U.S. port to another U.S. port, sailing from a U.S. port to a foreign port, or sailing from a foreign port to a U.S. port on Census Day*—Counted at the onshore U.S. residence where they live and sleep most of the time. If they have no onshore U.S. residence, they are counted at their vessel. If the vessel is docked in a U.S. port, sailing from a U.S. port to a foreign port, or sailing from a foreign port to a U.S. port, crewmembers with no onshore U.S. residence are counted at the U.S. port. If the vessel is sailing from one U.S. port to another U.S. port, crewmembers with no onshore U.S. residence are counted at the port of departure.

(b) *Crews of U.S. flag maritime/merchant vessels engaged in U.S. inland waterway transportation on Census Day*—Counted at the onshore U.S. residence where they live and sleep most of the time.

(c) *Crews of U.S. flag maritime/merchant vessels docked in a foreign port or sailing from one foreign port to another foreign port on Census Day*—Not counted in the stateside census.

15. PEOPLE IN CORRECTIONAL FACILITIES FOR ADULTS

(a) *People in federal and state prisons on Census Day*—Prisoners are counted at the facility. Staff members are counted at the residence where they live and sleep most of the time. If staff members do not have a usual home elsewhere, they are counted at the facility.

(b) *People in local jails and other municipal confinement facilities on Census Day*—Prisoners are counted at the facility. Staff members are counted at the residence where they live and sleep most of the time. If staff members do not have a usual home elsewhere, they are counted at the facility.

(c) *People in federal detention centers on Census Day, such as Metropolitan Correctional Centers, Metropolitan Detention Centers, Bureau of Indian Affairs Detention Centers, Immigration and Customs Enforcement (ICE) Service Processing Centers, and ICE contract detention facilities*—Prisoners are counted at the facility. Staff members are counted at the residence where they live and sleep most of the time. If staff members do not have a usual home elsewhere, they are counted at the facility.

(d) *People in correctional residential facilities on Census Day, such as halfway houses, restitution centers, and prerelease, work release, and study centers*—Residents are counted at the facility. Staff members are counted at the residence where they live and sleep most of the time. If staff members do not have a usual home elsewhere, they are counted at the facility.

16. PEOPLE IN GROUP HOMES AND RESIDENTIAL TREATMENT CENTERS FOR ADULTS

(a) *People in group homes intended for adults (non-correctional) on Census Day*—Residents are counted at the facility. Staff members are counted at the residence where they live and sleep most of the time. If staff members do not have a usual home elsewhere, they are counted at the facility.

(b) *People in residential treatment centers for adults (non-correctional) on Census Day*—Counted at the residence where they live and sleep most of the time. If residents or staff members do not have a usual home elsewhere, they are counted at the facility.

17. PEOPLE IN JUVENILE FACILITIES

(a) *People in correctional facilities intended for juveniles on Census Day*—Juvenile residents are counted at the facility. Staff members are counted at the residence where they live and sleep most of the time. If staff members do not have a usual home elsewhere, they are counted at the facility.

(b) *People in group homes for juveniles (non-correctional) on Census Day*—Juvenile residents are counted at the facility. Staff members are counted at the residence where they live and sleep most of the time. If staff members do not have a usual home elsewhere, they are counted at the facility.

(c) *People in residential treatment centers for juveniles (non-correctional) on Census Day*—Counted at the residence where they live and sleep most of the time. If juvenile residents or staff members do not have a usual home elsewhere, they are counted at the facility.

18. PEOPLE IN TRANSITORY LOCATIONS

(a) *People at transitory locations such as recreational vehicle (RV) parks, campgrounds, hotels and motels (including those on military sites), hostels, marinas, racetracks, circuses, or carnivals*—Anyone, including staff members, staying at the

transitory location are counted at the residence where they live and sleep most of the time. If they do not have a usual home elsewhere, or they cannot determine a place where they live most of the time, they are counted at the transitory location.

19. PEOPLE IN WORKERS' RESIDENTIAL FACILITIES

(a) *People in workers' group living quarters and Job Corps Centers on Census Day*—Counted at the residence where they live and sleep most of the time. If residents or staff members do not have a usual home elsewhere, they are counted at the facility.

20. PEOPLE IN RELIGIOUS-RELATED RESIDENTIAL FACILITIES

(a) *People in religious group quarters, such as convents and monasteries, on Census Day*—Counted at the facility.

21. PEOPLE IN SHELTERS AND PEOPLE EXPERIENCING HOMELESSNESS

(a) *People in domestic violence shelters on Census Day*—People staying at the shelter (who are not staff) are counted at the shelter. Staff members are counted at the residence where they live and sleep most of the time. If staff members do not have a usual home elsewhere, they are counted at the shelter.

(b) *People who, on Census Day, are in temporary group living quarters established for victims of natural disasters*—Anyone, including staff members, staying at the facility are counted at the residence where they live and sleep most of the time. If they do not have a usual home elsewhere, they are counted at the facility.

(c) *People who, on Census Day, are in emergency and transitional shelters with sleeping facilities for people experiencing homelessness*—People staying at the shelter (who are not staff) are counted at the shelter. Staff members are counted at the residence where they live and sleep most of the time. If staff members do not have a usual home elsewhere, they are counted at the shelter.

(d) *People who, on Census Day, are at soup kitchens and regularly scheduled mobile food vans that provide food to people experiencing homelessness*—Counted at the residence where they live and sleep most of the time. If they do not have a usual home elsewhere, they are counted at the soup kitchen or mobile food van location where they are on Census Day.

(e) *People who, on Census Day, are at targeted non-sheltered outdoor*

locations where people experiencing homelessness stay without paying—Counted at the outdoor location where they are on Census Day.

(f) *People who, on Census Day, are temporarily displaced or experiencing homelessness and are staying in a residence for a short or indefinite period of time*—Counted at the residence where they live and sleep most of the time. If they cannot determine a place where they live most of the time, they are counted where they are staying on Census Day.

Dated: June 23, 2016.

John H. Thompson.

Director, Bureau of the Census.

[FR Doc. 2016-15372 Filed 6-29-16; 8:45 am]

BILLING CODE 3510-07-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 177

[Docket No. FDA-2016-F-1805]

Society of the Plastics Industry, Inc.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of petition.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing that we have filed a petition, submitted by Keller and Heckman LLP on behalf of the Society of the Plastics Industry, Inc. (Petitioner or SPI), requesting that we amend our food additive regulations to no longer provide for the use of potassium perchlorate as an additive in closure-sealing gaskets for food containers because this use has been abandoned.

DATES: The food additive petition was filed on May 11, 2016. Submit either electronic or written comments by August 29, 2016.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <http://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any

confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <http://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

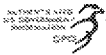
Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All submissions received must include the Docket No. FDA-2016-F-1805 for "Filing of Food Additive Petition: Society of the Plastics Industry, Inc." Received comments will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <http://www.regulations.gov> or at the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

- *Confidential Submissions:* To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <http://www.regulations.gov>. Submit both copies to the Division of Dockets Management. If you do not wish your name and contact information to be



these technologies, YPG needs to use the existing airspace and ground infrastructure at Laguna Army Airfield. Use of the Airfield is limited to "official business only" with "prior permission required." Therefore, hazardous testing could be conducted safely within proposed R-2306F without impacting non-participating aircraft.

The Proposal

The FAA is proposing an amendment to 14 CFR part 73 to establish a new restricted area, R-2306F, extending from the surface to 1,700 feet MSL, in the vicinity of Laguna Army Airfield at Yuma Proving Ground, AZ. The proposed area would be used for the testing of various hazardous systems including non-eye-safe lasers, high energy radars and the development of experimental weapons. Testing would include the operation of these systems from various aircraft platforms. Restricted airspace is required to effectively test these complex integrated systems without posing a hazard to non-participating aircraft and/or ground personnel. Proposed R-2306F would be completely contained over YPG-owned land. No supersonic flights would be conducted within the proposed airspace.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subjected to an environmental analysis in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures," prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 73 as follows:

PART 73—SPECIAL USE AIRSPACE

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 0565, 3 CFR, 1959-1963 Comp., p. 389.

§ 73.23 Arizona [Amended]

■ 2. § 73.23 is amended as follows:

* * * * *

R-2306F, Yuma West, AZ [New]

Boundaries. Beginning at lat. 32° 51' 52" N., long. 114° 26' 52" W.; to lat. 32° 52' 30" N., long. 114° 21' 03" W.; to lat. 32° 51' 15" N., long. 114° 21' 03" W.; to lat. 32° 51' 18" N., long. 114° 19' 29" W.; then clockwise along a 3.5 NM arc centered at lat. 32° 51' 52" N., long. 114° 23' 34" W.; to lat. 32° 49' 30" N., long. 114° 26' 39" W.; to lat. 32° 49' 51" N., long. 114° 26' 38" W.; to lat. 32° 50' 08" N., long. 114° 26' 33" W.; to lat. 32° 50' 17" N., long. 114° 26' 19" W.; to lat. 32° 50' 31" N., long. 114° 26' 17" W.; to lat. 32° 50' 42" N., long. 114° 26' 29" W.; to lat. 32° 51' 11" N., long. 114° 26' 34" W.; to the point of beginning

Designated altitudes. Surface to 1,700 feet MSL.

Time of designation. Intermittent, 0600-1800 local time, Monday-Saturday; other times by NOTAM.

Controlling agency. Yuma Approach Control, MCAS Yuma, AZ.

Using agency. U.S. Army, Commanding Officer, Yuma Proving Ground, Yuma, AZ.

* * * * *

Issued in Washington, DC, on July 19, 2016.

Leslie M. Swann,
Acting Manager, Airspace Policy Group.

[FR Doc. 2016-17558 Filed 7-22-16; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF COMMERCE

Bureau of the Census

15 CFR Chapter I

[Docket Number 160526465-6618-02]

Proposed 2020 Census Residence Criteria and Residence Situations; Extension of Comment Period

AGENCY: Bureau of the Census, Department of Commerce.

ACTION: Proposed Criteria; Extension of Comment Period.

SUMMARY: The Bureau of the Census (Census Bureau) is issuing this document to extend the comment period on the Proposed 2020 Census Residence Criteria and Residence Situations, which was published in the Federal Register on June 30, 2016. The comment period for the proposed criteria, which would have ended on August 1, 2016, is now extended until September 1, 2016.

DATES: Comments on the proposed criteria published on June 30, 2016 (81 FR 42577), must be received by September 1, 2016.

ADDRESSES: Direct all written comments regarding the Proposed 2020 Census Residence Criteria and Residence Situations to Karen Humes, Chief, Population Division, U.S. Census Bureau, Room 6H174, Washington, DC 20233; or Email [POP.2020.Residence.Rule@census.gov].

FOR FURTHER INFORMATION CONTACT: Population and Housing Programs Branch, U.S. Census Bureau, 6H185, Washington, DC 20233, telephone (301) 763-2381; or Email [POP.2020.Residence.Rule@census.gov].

SUPPLEMENTARY INFORMATION:

Background

The U.S. Census Bureau is committed to counting every person in the 2020 Census once, only once, and in the right place. The fundamental reason that the decennial census is conducted is to fulfill the Constitutional requirement (Article I, Section 2) to apportion the seats in the U.S. House of Representatives among the states. Thus, for a fair and equitable apportionment, it is crucial that the Census Bureau counts everyone in the right place during the decennial census.

The residence criteria are used to determine where people are counted during each decennial census. For more information on the Proposed 2020 Census Residence Criteria and Residence Situations (also referred to as the proposed "2020 Census Residence Rule and Residence Situations" in the text of the earlier document), please see the original document of proposed criteria and request for comment published in the Federal Register on June 30, 2016 (81 FR 42577).

Because of the scope of the proposed criteria, and in response to individuals and organizations who have requested more time to review the proposed criteria, the Census Bureau has decided to extend the comment period for an additional 31 days. This document announces the extension of the public comment period to September 1, 2016.

Dated: July 19, 2016.
 Nancy A. Potok,
 Deputy Director, Bureau of the Census.
 (FR Doc. 2016-17484 Filed 7-22-16; 8:45 am)
 BILLING CODE 3510-07-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 578

[Docket No. FR-5476-N-04]

RIN 2506-AC29

Continuum of Care Program: Solicitation of Comment on Continuum of Care Formula

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice; request for comments.

SUMMARY: On July 31, 2012, HUD published an interim rule, for public comment, entitled "Homeless Emergency Assistance and Rapid Transition to Housing: Continuum of Care Program," a program designed to address the critical problem of homelessness through a coordinated community-based process of identifying needs and building a system of housing and services to address those needs. HUD received 551 public comments on the interim rule. Approximately 42 of the public comments addressed the Continuum of Care formula, with the majority of these commenters seeking changes to the formula. With the interim rule now in place for 3 years, HUD seeks additional comment on the Continuum of Care formula.

Comment Due Date: September 23, 2016.

ADDRESSES: Interested persons are invited to submit comments regarding this rule to the Regulations Division, Office of General Counsel, 451 7th Street SW., Room 10276, Department of Housing and Urban Development, Washington, DC 20410-0500. Communications must refer to the above docket number and title. There are two methods for submitting public comments. All submissions must refer to the above docket number and title.

1. **Submission of Comments by Mail.** Comments may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410-0500.

2. **Electronic Submission of Comments.** Interested persons may submit comments electronically through

the Federal eRulemaking Portal at www.regulations.gov. HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments submitted electronically through the www.regulations.gov Web site can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

Note: To receive consideration as public comments, comments must be submitted through one of the two methods specified above. Again, all submissions must refer to the docket number and title of the document.

No Facsimile Comments. Facsimile (fax) comments are not acceptable.

Public Inspection of Public Comments. All properly submitted comments and communications submitted to HUD will be available for public inspection and copying between 8 a.m. and 5 p.m. weekdays at the above address. Due to security measures at the HUD Headquarters building, an advance appointment to review the public comments must be scheduled by calling the Regulations Division at 202-708-3055 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number through TTY by calling the Federal Relay Service at 800-877-8339. Copies of all comments submitted are available for inspection and downloading at www.regulations.gov.

FOR FURTHER INFORMATION CONTACT: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410-7000; telephone number 202-708-4300 (this is not a toll-free number). Hearing- and speech-impaired persons may access this number through TTY by calling the Federal Relay Service at 800-877-8339 (this is a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

Continuum of Care (CoC) Interim Rule

On July 31, 2012, at 77 FR 45422, HUD published in the Federal Register an interim rule to implement the CoC authorized amendments to the McKinney-Vento Homeless Assistance Act in the Homeless Emergency Assistance and Rapid Transition to

Housing Act of 2009 (HEARTH Act). The purpose of the CoC program is to promote communitywide commitment to the goal of ending homelessness; provide funding for efforts by nonprofit providers, and State and local governments to quickly rehouse homeless individuals and families while minimizing the trauma and dislocation caused to homeless individuals, families, and communities by homelessness; promote access to and effective utilization of mainstream programs by homeless individuals and families; and optimize self-sufficiency among individuals and families experiencing homelessness.

Section 427 of the McKinney Vento Act, as amended by the HEARTH Act, directs the Secretary to establish, by regulation, a funding formula that is based upon factors that are appropriate to allocate funds to meet the goals and objectives of the CoC program. As part of the interim rule, HUD codified the formula for establishing a CoC's Preliminary Pro Rata Need (PPRN formula) that had been used for many years prior to the interim rule to establish a CoC's PPRN. The PPRN formula is a combination of the formula used to award Emergency Solutions Grants (ESG) Program grant funds and Community Development Block Grant (CDBG) funds. Under the current PPRN formula, after a .2 percent set-aside for U.S. territories and insular areas, 75 percent of the total CoC allocation is distributed to ESG entitlement communities, generally comprised of large metropolitan cities and urban counties where homelessness is more concentrated, according to the CDBG formula. The remaining 25 percent of the CoC allocation is distributed to ESG non-entitlement communities according to the CDBG formula. Within this framework, the current CDBG formula is structured as a "dual formula" system. As set forth below, Formula A allocates funds to communities based on the following weighted factors: population, poverty, and overcrowding. Formula B assigns a different weighting scheme to an alternative menu of factors: population growth lag,¹ poverty, and pre-1940s housing.² Specifically, the existing CDBG formulas³ are weighted as follows.

¹ Population growth lag identifies slower growing communities or communities experiencing population loss as potential indicators of communities in decline and in need of development assistance.

² The share of housing units built before 1940 reflects the age of a community's housing stock, a potential indicator of blight.

³ For non-entitlement communities, Formula B uses population instead of population growth lag.

Full-Text Log of Comment Submissions on 2016 FRN on Residence Rule & Residence Situations (comment period = July 1-September 1, 2016)

Comment Submission #	Full Text of Comment Submission
c00001	<p>The Census Bureau's plan to count incarcerated persons as residents of prison, rather than of their home communities, defies the one person, one vote requirement. This plan gives districts that contain prisons a bloated count and disproportionate say in elections and public policy while undermining and diminishing the vote and voice of urban and poor communities.</p> <p>This practice has gone on far too long. Now, combining this practice with the precision mapping and data mining that enable precise gerrymandering of legislative districts, informed citizens can no longer permit this distortion of democracy.</p> <p>It would be far more cost effective to count inmates properly than to wait and face the onslaught of legal challenges that will confront the Bureau if this issue is not addressed. Recent lawsuits are just a hint of the tidal wave to come.</p> <p>I am writing this as a citizen with standing in this issue, since my own electoral districts lose representation through prison-based gerrymandering.</p> <p>I am also writing this as _____ of a statewide organization, Fair Districts PA, deeply concerned about this illegal and unconstitutional practice and determined to see reform, not just in Pennsylvania, but throughout the country.</p> <p>Please reconsider this proposal and count incarcerated persons as residents of their home communities.</p>
c00002	<p>Thank you for the changes to the proposed 2020 Census Residence Rule and Residence Situations regarding "a distinction between personnel who are deployed overseas and those who are stationed or assigned overseas." I am pleased that "for the 2020 Census, the Census Bureau proposes using administrative data from the DOD to count deployed personnel at their usual residence in the United States." This method provides a more accurate accounting of populations residing in communities surrounding U.S. military bases, and it will allow those communities to better assist our nation's service members.</p>
c00003	<p>I completely support the proposed rule to the 2020 Census Residence Rule and Residence Situations regarding the military overseas. For local cities, counties, and states who are honored to be the home of a military installation, having an accurate population count for these personnel is of utmost importance. Therefore, it is very appropriate to count those military personnel who are deployed in the census of their home base or port since these local communities must plan on providing services to these personnel. If a large number of personnel happen to be deployed overseas on April 1, when the census is conducted, a lower count is reflected in the count for these local cities, counties, and states than would be the case if these personnel were back at their usual base or port before and after deployment.</p>

	<p>The rule also makes the counting consistent with how other personnel are counted who are stationed or assigned overseas. Additionally, federal and state funding to local cities, counties, and states that are based on population would be more accurate by including those deployed personnel at their home base or port.</p> <p>Thank you for considering this much-needed rule change.</p>
c00004	<p>As a retired 27-year Navy veteran, I urge you to leave in place the method of determining a service member's state of residence as being the state from which he or she enlisted (home of record). During any career, service members are reassigned to a number of different duty stations. But, in general, a service member considers their home of record as where they have the strongest ties.</p>
c00005, c00010- c00013, c00017, c00020- c00021, c00048, c00093- c00097, c00100, c00160, c00865, c77957	<p>I am writing to provide comment and support for U.S. Census Bureau's proposed "2020 Census Residence Rule and Residence Situations." On behalf of the Christian County community, I show my support of the proposed new guidelines for counting of deployed military personnel in the upcoming 2020 Census. Under the proposal, U.S. military personnel who are deployed outside the U.S. on Census Day would be counted at the U.S. residence where they live and sleep most of the time. Counting deployed service members via this method will ensure that they are counted in the most advantageous and beneficial means for all communities.</p> <p>Military service members and their families are vital to the fabric of the communities in which they are stationed. Often, the communities surrounding a military installation work tirelessly to provide the best options, partnerships, and opportunities for their military neighbors. Our community here in Christian County, Kentucky, is no exception to that standard of excellence in service. In so many ways, Christian County has maintained a steadfast relationship--and partnership--with the Army, working to ensure our community is in tune with the quality of life needs and wishes of our soldiers and their families.</p> <p>The proposed method of counting service members who are deployed at the time of the 2020 Census will accurately show the economic impact that these service members have on the communities in which they work, play, and reside. Appropriate federal dollar funding can now be made available to these very communities, so that they may continue to provide quality of life services and opportunities.</p> <p>I pledge my continued support for economic prosperity and opportunities for the region in which Fort Campbell gains tremendous support. I thank you for your consideration of enacting what is best for our country's military personnel, their families, and the communities that they call home.</p>
c00006	<p>I am writing to beg you to NOT count the residency of incarcerated persons as the address of their prison. They should be counted as residing at the place they lived before they were imprisoned. Our prisons populations do not demographically match the people in the prison locale. This gives an inaccurate picture of the needs of the prison locale and the community they were removed from AND WILL RETURN TO. It results in the misallocation of government funds and unfair elections.</p>
c00007	<p>Great idea! About time! Thanks for all you do!!! Keep it up!</p>
c00008	<p>I am writing this letter to respond to the proposed "2020 Census Residence Rule and Residence Situations." that is open for public comment. I believe that there is a serious problem with the proposal to continue to count prisoners at the prison location.</p> <p>I am disappointed to see that this rule remains unchanged despite the thoroughly documented distortions it creates in our redistricting data.</p>

I share my experiences from the 1990, 2000 and 2010 redistricting cycles here in the hope that you will reconsider your decision. Although my State has already taken great steps toward ending prison gerrymandering, only the Census Bureau can offer us a complete solution.

I have lived, since the late 1990's, in _____ County, New York, a rural county that has a large prison population. Prisoners are not residents of our community as they originate outside of our community; they have no interaction with our community and immediately leave the community when their sentences expire or when the Department of Corrections chooses to transfer them elsewhere. Enumerating these populations as part of our community forces our community to choose between either: (1) rejecting your counts, or (2) using census data that dilutes the votes of most of our community's residents to the benefit of the few who live immediately adjacent to the prison.

I have been concerned about the implications of your "residence rule" for democracy within rural communities since the Census when I was a resident of another upstate New York county which similarly hosted a large correctional facility. Many of my _____ County neighbors and I were concerned and raised public awareness that relying on your counts resulted in county apportionment that diluted the votes of residents who did not live near the prisons.

In the late 1990's, I moved to _____ County and was again involved as a citizen activist in redistricting. There, I was pleasantly surprised to learn that I would not need to organize a post-2000 lawsuit against _____ County because my county was already committed to modifying your Census data to remove the prison populations and avoid what is now commonly called "prison gerrymandering."

However, a controversy that erupted in the neighboring county of _____ over prison counting after the 2000 Census led me to discover that the rejection of Census Bureau prison counts in rural communities was the rule, not the exception. In summary, _____ County had, after the 1990 Census, traditionally rejected your prison counts, but for "outcome determinative" reasons decided to include the prison populations in the post-2000 districts. The public objected, with thousands of county residents signing a petition requesting the redistricting plan be put on the ballot. The county leadership rejected the petition and in response the public defeated the political party responsible for the prison gerrymandering in the next election.

Around this time, an upstate newspaper contacted other counties in the state to see how they were currently handling the prison populations, and I surveyed several counties that this newspaper missed. This survey work inspired the Prison Policy Initiative to do a more formal survey analysis which they published as "Phantom constituents in the Empire State: How outdated Census Bureau methodology burdens New York counties." The authors concluded that the majority of New York State counties with large prisons rejected prison gerrymandering.

What should be obvious from my letter is that I, along with the elected leaders of my county, was concerned that including the prison population where the Census Bureau counted it but where those people--10% of our county's Census population--do not actually reside would have a vote dilutive impact on the other parts of our county. We simply did not want to draw county legislative districts that had a

	<p>preponderance of incarcerated people. Such districts would have given every county resident living near the prisons much more voting power than the other residents of the county.</p> <p>Having considered the effects of "prison gerrymandering" on rural counties that host prisons, many of my neighbors and I came to the obvious conclusion that the Census Bureau's counts are inaccurate insofar as the Bureau counted incarcerated people as residents of the prison locations. As a result, we removed the prison populations from the one set of legislative districts that we could control--our county districts.</p> <p>And here I feel I need to clarify our approach, given some statements from plaintiffs in the recent Texas case (<i>Evenwel v. Abbott</i>) about excluding some non-voting populations from redistricting counts.</p> <p>For us, in _____ County, the decision was not <i>whether</i> to count incarcerated people, but <i>where</i> they should rightly be counted, which we think is at their home of record. We had no right to count prisoners as local constituents because they relied on the representative services of their home legislators, and there is nothing that one of our county legislators could do for them. Removing the prison population was the best we could do because we lacked authority over the redistricting bodies of the New York City Council, the Albany City Council and the other home locations of the incarcerated people. As I, along with two neighbors, wrote to you in our July 9, 2004 comment letter: "We know of no complaints from prisoners as a result, as they no doubt look to the New York City Council for the local issues of interest to them."</p> <p>Thankfully, New York State took things one step further with the passage of Part XX (ending prison gerrymandering at the state and local levels) which made sure that all state prisoners are counted in the appropriate locations. This is legislation that I and many of my neighbors supported. And, while I support Part XX, and the Bureau's new proposed data services that my state might be able to take advantage of, I must note that the law and your proposal has one shortcoming that only the Census Bureau can fix: New York did not reallocate federal prisoners to their homes; it simply removed them from the count.</p> <p>The Census Bureau is the only entity which can provide a complete solution to the redistricting confusion caused by the way the current residence rule is applied to prisoners. I urge you to adjust this policy and count all prisoners at their homes of record in 2020.</p>
c00009	Greetings. Please ensure that laws are changed such that incarcerated adults are counted as "living" within their last known home communities. This will help to ensure a more fair representation of an area's voting population.
c00010	Same content as comment c00005
c00011	Same content as comment c00005
c00012	Same content as comment c00005
c00013	Same content as comment c00005
c00014	Regarding item #10 re: where to count college students: I agree with the proposed rule. It probably provides greater assurance that the student is, in fact, counted if you do so via the school. I can

	<p>see that a student might be omitted from the count if they were not listed at their legal residence because they're "not here" and then not counted at school. A full count, it seems, is more likely if student is counted at school.</p>
c00015	<p>North Carolina was deprived of a US Representative and various apportioned tax dollars because the 2010 census counted deployed military personnel as residing in their home states.</p> <p>We support the military members locally while they are deployed as well as their families who remain here in the county.</p> <p>I support the proposed changes.</p>
c00016	<p>In the interest of accuracy, I suggest that all deployed military are counted as a resident of the county and state in which they reside. Some military deployments are for a few months and others for longer periods of time. None the less, the military person returns home to their place of residence. Thus, the great state of North Carolina, housing many federal military bases, needs to have these military numbers totaled in to the population count for the purpose of accurate representation in Congress and number of electoral votes.</p>
c00017	<p>Same content as comment c00005</p>
c00018	<p>I believe that all Military residing in a state should be counted as residents of that state. They are using the state's services, schools, roads and other provided amenities. They are truly residents.</p>
c00019	<p>I write in regards to the Census Bureau's Proposed Criteria and Request for Comment on the 2020 Decennial Census Residence Rule and Residence Situations (Docket No: 160526465-6465-01) published in the federal Register on June 30, 2016, to propose certain changes to the residence criteria used to determine where people are counted during each decennial census. I would like to offer support for the proposed changes specifically Rule 13(f) regarding the counting of deployed service members "at the U.S. residence where they live and sleep most of the time." This change will insure that my constituents are accurately in the upcoming 2020 Census.</p> <p>The results of the 2010 Census displayed an anomaly that misrepresented the counting of deployed service members for overseas contingency operations. These service members, despite not having a change in their permanent duty station, and who return to their duty station upon completion of their deployment, were counted in accordance with Rule 9(f) of the 2010 Census Residence Rule and Residence Situations:</p> <p style="padding-left: 40px;">(f) U.S. military personnel living on or off a military installation outside of the U.S. including dependents living with them – Count as part of the U.S. overseas population. They should not be included on any U.S. census questionnaire</p> <p>The Census Bureau attributes U.S. overseas population to the state on an individual's home-of-record. This practice may have worked well for members of the Department of State or other government agencies operating outside of the United States, but the Department of Defense fails to properly, and, accurately, maintain their records. According to the "2010 Census Federally Affiliated Overseas Count Operation Assessment Report," dated March 19, 2012, "only 59 percent of the 2010 Department of Defense Records contained a home of record."</p>

	<p>As a result of using inaccurate and missing records for the tabulation of deployed service members, the surrounding military communities, which support the families of those service members, were calculated to have a lower population than what should be attributed to the community.</p> <p>My constituents residing in the region around Fort Campbell, Kentucky, experienced this first-hand following the 2010 census. Despite record home sales, increased public school enrollment, and other economic indicators supporting population growth, the calculated population remained relatively unchanged from the 2000 Census. The only explanation for the discrepancy is the deployment of service members from Fort Campbell to Afghanistan.</p> <p>Starting in late 2009 and continuing through 2010, members of the 1st, 2nd, 3rd, and 4th Brigade Combat teams of the 101st, the 101st Sustainment Brigade, the 159th and 101st Combat Aviation brigades were all deployed to sustain the military "surge" in Afghanistan. It is estimated that at least 10,000 service members were deployed at the collection time of the 2010 Census. Those service members then returned to Fort Campbell at the end of their deployment.</p> <p>I request that the Census Bureau maintain and implement the proposed changes to the "2020 Residence Rule and Residence Situations" as drafted. This will create one consistent and logical method for counting deployed service members. By counting deployed service members according to where they actually live, the Bureau will receive more accurate reports of population and ensure communities have the needed resources to support these soldiers and their families.</p> <p>Thank you for your time and thoughtful consideration of these proposed changes.</p>
c00020	Same content as comment c00005
c00021	Same content as comment c00005
c00022	North Carolina should receive full credit for the troops and their families that reside here. Undercounting troops due to deployment when North Carolina is their usual residence is unfair and costs North Carolina and Craven County Federal funds for education, infrastructure and other Federal Programs. The service members and their families deserve to be counted as residents of North Carolina.
c00023	Black lives count. All lives count. Census counting officials, use this opportunity correctly. I appeal to the better angels of your nature.
c00024	<p>I understand that present rules define prison inmates and residents of that county. If this is in fact correct, then hopefully it will be corrected before the next Census.</p> <p>Population, as you well know, is a factor in determining many federal distributions as well as representation. I spent three years incarcerated and was moved from prison to prison six times. This is done by the Texas Department of Corrections to game the Government's requirements for prisons.</p>
c00025	I am writing to urge you to count prisoners at their home residence rather than the location of their incarceration. By counting them at the prison location the Census Bureau is falsely representing the prison community populations. In most state constitutions and statutes, it explicitly states that incarceration does not change a residence. Including the incarcerated people in the population of the area they are

	<p>confined leads to an imbalance of district population. Looking through the lens of State Democracy, districts with prisons receive enhanced representation and districts without prisons state representation is diminished.</p> <p>The Census Bureau's decision to count incarcerated people in their area of confinement interferes with equal representation in virtually every state.</p> <p>To date, over 200 communities have discovered and addressed this problem and to ensure equal representation, they have drawn districts that exclude prison populations. I urge the Census Bureau to adopt this fair and democratic approach to avoid further misrepresentation.</p>
c00026	<p>I do not understand why the Census Bureau is proposing to continue to count prisoners as residents of the place where they are incarcerated rather than as residents of the place that was their home before they were incarcerated. Overwhelming objective evidence shows that this distorts the demographic count as well as the political process. Speaking personally as a former prisoner, I certainly had no thought of staying at any of the places where I was incarcerated (I was transferred a few times) after release. And of all the prisoners and ex-prisoners I have known over the years up to this day, I cannot think of one who decided to live at their place of confinement after release unless, as occurs occasionally, their place of confinement happened to be the same as their home residence. I know that there are political forces at work here, and I sincerely hope that you are not giving in to political pressure in promulgating this residence rule. In any case I implore you to please reconsider.</p>
c00027	<p>My name is _____ and I am the _____ of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawaii for almost two decades. This testimony is respectfully offered on behalf of the 6,000 Hawaii individuals living behind bars or under the “care and custody” of the Department of Public Safety. <u>We are always mindful that approximately 1,400 of Hawaii’s imprisoned people are serving their sentences abroad - thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.</u></p> <p>Community Alliance on Prisons is saddened that the U.S. Census Bureau has ignored the overwhelming comments in support of changing how incarcerated persons are counted and instead has determined that the practice of counting prisoners at the correctional facility for the 2020 Census would be consistent with the concept of usual residence.</p> <p><i>“When the Census began in 1790, uses for the data were limited. Population statistics were rarely used for planning purposes until the 20th century. It was not until the 1960s that state legislatures were required to periodically redraw legislative district lines to comply with the “One Person One Vote” rule of equal numbers of people in each legislative district. In 1790, the Census’ sole role was to count the number of people in each state to determine their relative populations for purposes of Congressional reapportionment. It didn’t matter — for purposes of comparing Nevada’ population to Utah’s — whether an incarcerated person was counted at home or in the Nevada State Prison, as long as they were counted in the right state. Census data is used very differently today than it was in 1790, and our society has changed radically, but the Census’ method of counting prisoners has unfortunately remained the same.” [1]</i></p> <p>We are, therefore, profoundly disappointed by the Census Bureau proposal to again count nearly 2 million people in the wrong place on Census day. Continuing this outdated practice will ensure an inaccurate 2020 Census and another decade of prison gerrymandering. Leaving the current practice in place defies the very concept of democracy and promotes even more inequality.</p>

Hawaii has been banishing a significant portion of our prison population to corporate prisons on the continental United States for twenty-one years. This failed social experiment has wrought much anguish to our people and communities, the families of those banished, and our over-burdened taxpayers. Our people have not moved to these locations, they were sent involuntarily and will return to their homes and families in Hawaii after serving their sentences. Hawaii is their home.

We are well aware of how the corporate prison industry has “gamed” the system by building their dungeons in small towns, enticing public officials who can then benefit from increased federal appropriations to their towns.

Prisons have become a growth industry for rural America with a new prison opening in a small town every fifteen days over the last decade. [2] Now a \$60 billion industry, [3] prisons have developed the economic muscle to bend state priorities to their needs. There are now so many people in prison that legislators who have prisons in their districts are able to short-circuit the democratic process that would otherwise govern the prison industry.

The importance of accuracy in counting citizens to determine voting districts has long been recognized as vital to a thriving democracy. In the 1960’s, the Supreme Court struck down state legislative district plans that gave some citizens more access to government than others, declaring the “One Person One Vote” rule and the principle that “legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests.” [4]

There is a basic unfairness in the decision to count incarcerated people in the facility to which they have been involuntarily sent when the Census Bureau has determined that there is a distinction between military personnel who are deployed overseas and those who are stationed or assigned overseas. Deployments are typically short in duration, and **the deployed personnel will be returning to their usual residence** where they are stationed or assigned in the United States after their temporary deployment ends.

How is military deployment different from those involuntarily banished outside their homeland when our incarcerated people will return to Hawaii upon the completion of their sentences? When *“counting deployed personnel at their usual residence in the United States follows the standard interpretation of the residence criteria to count people at their usual residence if they are temporarily away for work purposes”*, we fail to see the difference when counting people who are temporarily sentenced to prisons outside of Hawaii.

Justin Levitt, professor of constitutional law and the law of democracy at Loyola Law School, as well as a practitioner and litigator in the area of political participation encouraged the Census Bureau to count incarcerated individuals at their last known address before incarceration as a means to further equal representation in the democratic process. Professor Levitt bases his comments on the structure of representation and the effects of various voting systems and districting plans.

He explains that the Census counts most people at their “home.” Those whose “usual residence” is different from their “home” are typically in a new location for work or education, “and they are generally intertwined with the communities where they are laying their

	<p>heads most often” by interacting with their new neighbors, following community rules and regulations, and enjoying the benefits of local services and activities. However, <u>this is not the case for the 2.2 million people in the United States who are incarcerated. Professor Levitt points to the fact that incarcerated individuals have little in common with the residents in the communities surrounding their correctional facilities.</u></p> <p>Incarcerated individuals do not interact with the local community, and “most Village Township residents will not likely consider them ‘neighbors’”. Elected officials themselves do not always consider incarcerated people to be their constituents. As Professor Levitt recounts:</p> <p style="text-align: center;"><i>[I]n 2002, a New York state legislator representing a district housing thousands of incarcerated individuals said that given a choice between the district’s cows and the district’s prisoners, he would “take his chances” with the cows, because “[t]hey would be more likely to vote for me.”</i></p> <p><u>Indeed, according to Professor Levitt, 28 states have explicitly provided that incarcerated persons do not lose their residence in their home communities when they are incarcerated.</u></p> <p>The <u>New York Times</u> has written nine editorials highlighting how the prisoner miscount harms democracy, and has been joined by the editorial boards of papers as diverse as the <u>Milwaukee Journal-Standard</u>, the <u>Flint Journal</u> (Michigan) and the rural <u>Jackson City Patriot</u> (Jackson City, Michigan).</p> <p>Please help us correct this problem and get back to the ‘One Person One Vote’ ideal. This is sacred to our democracy. Please help us to achieve fair and equal representation to all the citizens by revising the Residence Rule or Residence Situations to count incarcerated people at their home in the Census. PLEASE PROMOTE DEMOCRACY!</p> <p>[1] New research on Nevada, Montana, and Idaho: How the census is watering down the voting power of some communities, by Peter Wagner, February 7, 2005. http://www.prisonersofthecensus.org/news/2005/02/07/wpp/</p> <p>[2] <i>Building a Prison Economy in Rural America</i>, Tracy Huling in <i>Invisible Punishment: The Collateral Consequences of Mass Incarceration</i>, Mark Mauier and Med Chesney-Lind, eds. (New York, The New Press, 2002).</p> <p>[3] Bureau of Justice Statistics, Justice Expenditure and Employment in the United States, 2003, Table 3.</p> <p>[4] <i>Reynolds v Sims</i>, 377 U.S. 533 (1964), at 562.</p>
c00028	<p>As a public servant who formally worked for the _____ legislature and now for the _____ state legislature, I want to urge you to end the practice of counting people in the wrong place (prison gerrymandering). It is critical that we have an accurate, fair, and truly representative 2020 Census.</p> <p>Please be on the right side of history on this seemingly minor but ultimately very impactful decision.</p>
c00029	<p>I am writing regarding the continued practice of counting prison population at the place of incarceration rather than the home residence where they lived upon committing the crime that created their reason for temporary confinement at what is referred to as the "Grey-Bar</p>

	<p>Motel." This practice places an unbalanced voting power to districts containing prisons. Having served as _____ for the Metropolitan Government of _____, I have seen this impact first hand.</p> <p>As _____, the "population" of the prison impacted the ability to keep neighborhoods together during redistricting. From a voting rights standpoint, in a district of only 16,000 to 18,000, when 2000 of those are incarcerated, temporary, and generally unable to participate in the community or voting, it gives the actual residents an 11% to 12.5% voting advantage over other districts. This should be corrected.</p> <p>I ask that future Census efforts avoid this practice.</p>
c00030	<p>I am writing in regards to the federal register notice on <i>Residence Rule and Residence Situations</i>, 81 FR 42577 (June 30, 2016). I urge you adjust the Usual Residence rule to count incarcerated people at their home address, not where they happen to be located on Census Day.</p> <p>The Census Bureau is an honest agency and an extraordinary source of information. I am a professional researcher and I use Census data regularly. I'm disappointed that the Bureau continues to use the old rule, now that the problems have become so clear.</p> <p>As you know, the median time served in most prisons is roughly four years, far less than the decennial census. As you may also know, people move around regularly within the system, staying in any particular prison for only part of their terms.</p> <p>(People are moved to adjust capacity, as some facilities become crowded while others have extra space; they are moved to accommodate protection orders, as co-defendants or witnesses enter or exit the system, and individuals must be confined separately from each other; and they are moved to accommodate medical needs, court dates, parole hearings or any number of other internal administrative events.)</p> <p>The Census Bureau can not and should not try to track movements in this way. The Bureau should enumerate people who are temporarily confined in the location they consider their homes, and in the neighborhood to which they will return long before the next census. It is most accurate and most fair.</p> <p>Thank you for your time and attention. You can do better.</p>
c00031	<p>My name is _____ and I am _____ of the _____ County Council. This testimony is respectfully offered on behalf of the 6,000 Hawaii individuals living behind bars or under the "care and custody" of the Department of Public Safety. <u>We are always mindful that approximately 1,400 of Hawaii's imprisoned people are serving their sentences abroad - thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.</u></p> <p>I am disappointed that the U.S. Census Bureau has ignored the overwhelming comments in support of changing how incarcerated persons are counted and instead has determined that the practice of counting prisoners at the correctional facility for the 2020 Census would be consistent with the concept of usual residence.</p>

“When the Census began in 1790, uses for the data were limited. Population statistics were rarely used for planning purposes until the 20th century. It was not until the 1960s that state legislatures were required to periodically redraw legislative district lines to comply with the “One Person One Vote” rule of equal numbers of people in each legislative district. In 1790, the Census’ sole role was to count the number of people in each state to determine their relative populations for purposes of Congressional reapportionment. It didn’t matter — for purposes of comparing Nevada’ population to Utah’s — whether an incarcerated person was counted at home or in the Nevada State Prison, as long as they were counted in the right state. Census data is used very differently today than it was in 1790, and our society has changed radically, but the Census’ method of counting prisoners has unfortunately remained the same.” [1]

We are, therefore, profoundly disappointed by the Census Bureau proposal to again count nearly 2 million people in the wrong place on Census day. Continuing this outdated practice will ensure an inaccurate 2020 Census and another decade of prison gerrymandering. Leaving the current practice in place defies the very concept of democracy and promotes even more inequality.

Hawaii has been banishing a significant portion of our prison population to corporate prisons on the continental United States for twenty-one years. This failed social experiment has wrought much anguish to our people and communities, the families of those banished, and our over-burdened taxpayers. Our people have not moved to these locations, they were sent involuntarily and will return to their homes and families in Hawaii after serving their sentences. Hawaii is their home.

We are well aware of how the corporate prison industry has “gamed” the system by building their dungeons in small towns, enticing public officials who can then benefit from increased federal appropriations to their towns.

Prisons have become a growth industry for rural America with a new prison opening in a small town every fifteen days over the last decade. [2] Now a \$60 billion industry,[3] prisons have developed the economic muscle to bend state priorities to their needs. There are now so many people in prison that legislators who have prisons in their districts are able to short-circuit the democratic process that would otherwise govern the prison industry.

The importance of accuracy in counting citizens to determine voting districts has long been recognized as vital to a thriving democracy. In the 1960’s, the Supreme Court struck down state legislative district plans that gave some citizens more access to government than others, declaring the “One Person One Vote” rule and the principle that “legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests. [4]

There is a basic unfairness in the decision to count incarcerated people in the facility to which they have been involuntarily sent when the Census Bureau has determined that there is a distinction between military personnel who are deployed overseas and those who are stationed or assigned overseas. Deployments are typically short in duration, and **the deployed personnel will be returning to their usual residence** where they are stationed or assigned in the United States after their temporary deployment ends.

How is military deployment different from those involuntarily banished outside their homeland when our incarcerated people will return to Hawaii upon the completion of their sentences? When “*counting deployed personnel at their usual residence in the United States follows the standard interpretation of the residence criteria to count people at their usual residence if they are temporarily away for work purposes*”, we fail to see the difference when counting people who are temporarily sentenced to prisons outside of Hawaii.

Justin Levitt, professor of constitutional law and the law of democracy at Loyola Law School, as well as a practitioner and litigator in the area of political participation encouraged the Census Bureau to count incarcerated individuals at their last known address before incarceration as a means to further equal representation in the democratic process. Professor Levitt bases his comments on the structure of representation and the effects of various voting systems and districting plans.

He explains that the Census counts most people at their “home.” Those whose “usual residence” is different from their “home” are typically in a new location for work or education, “and they are generally intertwined with the communities where they are laying their heads most often” by interacting with their new neighbors, following community rules and regulations, and enjoying the benefits of local services and activities. However, this is not the case for the 2.2 million people in the United States who are incarcerated. Professor Levitt points to the fact that incarcerated individuals have little in common with the residents in the communities surrounding their correctional facilities.

Incarcerated individuals do not interact with the local community, and “most Village Township residents will not likely consider them ‘neighbors’”. Elected officials themselves do not always consider incarcerated people to be their constituents. As Professor Levitt recounts:

[I]n 2002, a New York state legislator representing a district housing thousands of incarcerated individuals said that given a choice between the district’s cows and the district’s prisoners, he would “take his chances” with the cows, because “[t]hey would be more likely to vote for me.”

Indeed, according to Professor Levitt, 28 states have explicitly provided that incarcerated persons do not lose their residence in their home communities when they are incarcerated.

The New York Times has written nine editorials highlighting how the prisoner miscount harms democracy, and has been joined by the editorial boards of papers as diverse as the Milwaukee Journal-Standard, the Flint Journal (Michigan) and the rural Jackson City Patriot (Jackson City, Michigan).

Please help us correct this problem and get back to the ‘One Person One Vote’ ideal. This is sacred to our democracy. Please help us to achieve fair and equal representation to all the citizens by revising the Residence Rule or Residence Situations to count incarcerated people at their home in the Census. PLEASE PROMOTE DEMOCRACY!

	<p>[1] New research on Nevada, Montana, and Idaho: How the census is watering down the voting power of some communities, by Peter Wagner, February 7, 2005. http://www.prisonersofthecensus.org/news/2005/02/07/wpp/</p> <p>[2] <i>Building a Prison Economy in Rural America</i>, Tracy Huling in <i>Invisible Punishment: The Collateral Consequences of Mass Incarceration</i>, Mark Maurer and Med Chesney-Lind, eds. (New York, The New Press, 2002).</p> <p>[3] Bureau of Justice Statistics, <i>Justice Expenditure and Employment in the United States, 2003</i>, Table 3.</p> <p>[4] <i>Reynolds v Sims</i>, 377 U.S. 533 (1964), at 562.</p>
c00032	<p>I am writing to ask you to reconsider your decision to count prisoners as citizens of the prison they are in instead of their home address. In Florida, where most prisons are located in rural areas, this leads to over-representation of their rural counties and under-representation in their home counties.</p>
c00033	<p>Justice for Families (J4F) submits this comment in response to the Census Bureau’s federal register notice regarding the Residence Rule and Residence Situations, 81 FR 42577 (June 30, 2016). The Bureau’s proposal to continue counting incarcerated people at the particular facility that they happen to be located at on Census day ignores the transient and temporary nature of incarceration. If made final, this proposal will mean another decade of decisions based on a Census that counts incarcerated people in the wrong place.</p> <p>J4F is a national organization that was created by families, for families that have been impacted by the criminal justice system and incarceration. We have nearly 3000 families in 38 states and the District of Columbia. As families that remain behind when our loved ones are incarcerated, we understand and live with the consequences of unequal representation in the Census data. The majority of our families live in poor communities of color that have little to no say in their local and state government, thus making an already vulnerable community even more vulnerable. Our families’ experiences have proven time and again that the best solutions to community problems come from the impacted community. When the community is denied accurate representation in the Census data, their solutions and voices go unheard while the voices of those who have no stake and little understanding of the community are given greater value and power.</p> <p>The Census Bureau defines “usual residence” as the place where a person “eats and sleeps most of the time,” but fails to follow that rule when counting incarcerated people. The majority of people incarcerated in Rhode Island, for example, spend less than 100 days in the state’s correctional facilities. If the same people were instead spending 100 days in their summer residence, the Bureau would count them at their regular home address. Even students in boarding schools get counted at their home address whether or not they eat and sleep there most of the time. The Census Bureau continues to carve out an unexplained exception for incarcerated people in order to count them in the wrong place.</p> <p>The Bureau’s failure to update its rules regarding incarcerated persons is particularly troubling given that the Bureau decided that other populations – deployed overseas military, and juveniles staying in residential treatment centers – should be counted in their home location even if they are sleeping elsewhere on Census Day. It made these changes even though there were far fewer public comments identifying these issues as causing the magnitude of problems that the public commentary on the prison miscount highlighted.</p> <p>The Census Bureau should honor the overwhelming consensus urging a change in the Census count for incarcerated persons. When the Bureau asked for public comment on its residence rules last year, 96% of the comments regarding residence rules for incarcerated persons urged the Bureau to count incarcerated persons at their home address, which is almost always their legal address. This level of consensus</p>

	<p>among stakeholders, which is based on a thorough understanding of the realities of modern incarceration, deserves far more consideration than it was given.</p> <p>As you know, American demographics and living situations have changed drastically in the two centuries since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation.</p> <p>The Census Bureau's practice of counting incarcerated people in the wrong place had relatively little impact on the overall accuracy of the Census while prison populations remained relatively low, but the growth in the prison population over the last few decades urgently requires the Census to update its methodology. The incarcerated population has more than quadrupled since the 1970's, and the manner in which this population is counted now has huge implications for the accuracy of the Census.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just a few thousand Census blocks that are located far from the actual homes of incarcerated people. When this data is used for redistricting, it artificially inflates the political power of the areas where the prisons are located and dilutes the political power of all other urban and rural areas without large prisons. In New York after the 2000 Census, for example, seven state senate districts only met population requirements because the Census counted incarcerated people as if they were upstate residents. For this reason, New York State passed legislation to adjust the population data after the 2010 Census to count incarcerated people at home for redistricting purposes. Three other states (California, Delaware, and Maryland) are taking a similar state-wide approach, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts.</p> <p>Acknowledging the need to correct its own data to avoid prison gerrymandering, the Bureau has proposed to help states with the population adjustment. But this ad hoc approach is neither efficient nor universally implementable. Massachusetts legislators, for example, have already expressed concerns about that state's ability to use alternative data in their 2015 comment to the Bureau (comment numbered c0161).</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to follow the residence rule to count everyone in the right place. My organization believes that in order to produce an accurate 2020 Census, the Bureau must count incarcerated people at home.</p>
c00034	<p>I am writing to express my opposition to the inaccurate and outdated practice of counting incarcerated people as "residents" of the prison location instead of their home communities in your proposed 2020 Census residence rules.</p> <p>The Census Bureau is wrong to consider incarcerated people as residents of the correctional facility. Incarcerated people do not take up residency in prison, as if anyone chooses to "move" to prison. Incarcerated people are people with rights who deserve to have a say in their democracy both in and out of prison, and we should be working to ensure that all incarcerated people have those rights, not putting up more barriers for them.</p>

	<p>By counting people in the wrong place, the Bureau is also ensuring an inaccurate 2020 Census. By counting incarcerated people as if they were residents of a prison makes the Census less accurate for everyone, a particularly important issue in Michigan where our legislative districts are already heavily gerrymandered.</p>
c00035	<p>This rule change will help end prison gerrymandering and is consistent with some of the greatest Supreme Court opinions of the 20th century -- Baker v. Carr and Reynolds v. Sims -- that enshrined the principle that our legislators must represent the same number of people. Counting the incarcerated, especially in our era of mass incarceration, as residents of the prison communities where they can not vote instead of as residents of their actual home communities distorts our legislatures by draining the appropriate political influence from the communities where prisoners are from and enhancing the political influence of those who represent prison communities.</p> <p>That isn't fair. It isn't right.</p> <p>And I hope you can change it.</p> <p>Thank you for the opportunity to provide comment.</p>
c00036	<p>As a tax paying U.S. citizen, I am EXTREAMLY disturbed, and OFFENDED that the Census Bureau has totally ignored the comments of 96% of the people who took the trouble to write to you last year regarding counting people who are incarcerated in prison rather than at their home address. I was one of those people who wrote to you.</p> <p>I have to ask: If the 2020 Census Residence Rule Supporting the Counting of Incarcerated People at Their Home Address is not applied – then why bother taking a census at all in 2020?</p> <p>We know right now that the Census methodology as it stands will be inaccurate, so the whole Census is going to be skewed. What a waste of my taxpayer money. So why bother; just cancel the 2020 Census and put the funding into early childhood education where we know the money won't be a waste.</p> <p>The planned inaccurate counting will perpetuate the false perception of democracy that results from padding the population counts of communities with prisons. When state and local officials use the Census Bureau's prison count data attributing "residence" to the prison, they give extra representation to the communities that host the prisons and dilute the representation of everyone else. This is harmful to rural communities that contain large prisons, because it seriously distorts redistricting at the local level of county commissions, city councils, and school boards.</p> <p>And more if the incarcerated people in these areas were actually represented by the politicians who have prisons and jails in their catchment areas, it would at least be a hint of democratic representation. But they don't. In my 20 years plus of visiting a person close to our family in various facilities in the U.S. I NEVER once ever heard of a local elected representative coming in to talk to his/her constituents behind the walls.</p>

c00037	<p>I am writing to say that I think that the "usual residence" for the incarcerated should be their home address. An exception might be made for those at Maximum Security Prisons, as the expectation would be that those at such institutions have either life or very long sentences, whereas most of those incarcerated at other prisons are released and return to their home area within the decade after a census.</p>
c00038	<p>One would think that a good response – over 90% – would suffice the Bureau's request for 'public comment' regarding <u>rules for incarcerated persons at their home address.</u></p> <p><u>Not so!</u> You've found a way to circumvent the process by proposing rules for the 2020 census that will allow you to continue this discredited practice. Since it doesn't come out of your pocket ... or cost the bureau a single penny ... it's an expense that taxpayers will be burdened with and unfortunately, <u>one more way of wasting taxpayers' money!</u></p> <p>As a resident of New York, we found that seven state senate districts only met population requirements because the Census counted incarcerated people as if they were upstate residents.</p> <p>For this reason, New York State passed legislation to adjust the population data after the 2010 Census to count incarcerated people at home for redistricting purposes. And then, in the appeals process, a U.S. Federal Court recognized that legislators were drawing electoral lines by counting inmates ... giving themselves additional powers in their own districts! The Court acknowledged in their decision that “gerrymandering was a threat to electoral fairness” and ruled against its continued practice!</p> <p>Your own Census Bureau was made aware of this problem a decade ago, when a report (*) it commissioned from the National Research Council found that its method for counting inmates distorted the political process and raised “legitimate concerns” about “equity and fairness in the census.” (*) <u>Another waste of taxpayers' money!</u></p> <p>Until the Census Bureau changes the way it counts prisons, the principle of one person one vote will continue to suffer.</p> <p><u>It's no wonder the public is frustrated with government ... there is no accountability for what taxpayers' money is paying for!</u></p>
c00039	<p><i>Aloha. Accuracy in counting citizens to determine voting districts is vital to a democracy, and I am very concerned about restoring and preserving democracy. I see great unfairness in the decision to count incarcerated people in the facility to which they have been involuntarily sent. Hawaii has been sending a significant portion of our prison population to corporate prisons on the continental United States for twenty-one years. This has created great suffering for our people and the families of those banished. <u>Our people have not moved to these locations, they were sent involuntarily and will return to their homes and families in Hawaii after serving their sentences. Hawaii is their home.</u></i></p> <p><i>How is military deployment different from those involuntarily banished outside their homeland when our incarcerated people will return to Hawaii upon the completion of their sentences?</i></p>

The Census Bureau has determined that there is a distinction between military personnel who are deployed overseas and those who are stationed or assigned overseas. Deployments are typically short in duration, and the deployed personnel will be returning to their usual residence where they are stationed or assigned in the United States after their temporary deployment ends.

Leaving the current practice in place opposes democracy and promotes more inequality and prison gerrymandering. I am sadly aware of how the corporate prison industry has “gamed” the system by building in small towns, enticing public officials who can then benefit from increased federal appropriations to their towns. [1]

Prisons have become a growth industry for rural America, with a new prison opening in a small town every fifteen days over the last decade. [2] Now a \$60 billion industry,[3] prisons have the economic power to bend state priorities to their needs. There are now so many people in prison that legislators who have prisons in their districts are able to short-circuit the democratic process that would otherwise govern the prison industry.

The importance of accuracy in counting citizens to determine voting districts is well recognized as vital to democracy. In the 1960’s, the Supreme Court struck down state legislative district plans that gave some citizens more access to government than others, declaring the “One Person One Vote” rule and the principle that “legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests. [4]

Justin Levitt, professor of constitutional law and the law of democracy at Loyola Law School, as well as a practitioner and litigator in the area of political participation encouraged the Census Bureau to count incarcerated individuals at their last known address before incarceration as a means to further equal representation in the democratic process. Professor Levitt bases his comments on the structure of representation and the effects of various voting systems and districting plans.

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Incarcerated individuals do not interact with the local community, and “most Village Township residents will not likely consider them ‘neighbors.’” Elected officials themselves do not always consider incarcerated people to be their constituents. As Professor Levitt recounts:

[I]n 2002, a New York state legislator representing a district housing thousands of incarcerated individuals said that given a choice between the district’s cows and the district’s prisoners, he would “take his chances” with the cows, because

	<p style="text-align: center;"><i>“[t]hey would be more likely to vote for me.”</i></p> <p><i>According to Professor Levitt, 28 states have explicitly provided that incarcerated persons do not lose their residence in their home communities when they are incarcerated.</i></p> <p><i>The New York Times has written nine editorials highlighting how the prisoner miscount harms democracy, and has been joined by the editorial boards of papers as diverse as the Milwaukee Journal-Standard, the Flint Journal (Michigan) and the rural Jackson City Patriot (Jackson City, Michigan).</i></p> <p><i>‘One Person One Vote’ is a foundation of our ideal of democracy. Please contribute to achieving fair and equal representation to all the citizens by revising the Residence Rule or Residence Situations to count incarcerated people at their home in the Census. Mahalo nui loa. ~Thank you very much.</i></p> <hr/> <p><small>[1] New research on Nevada, Montana, and Idaho: How the census is watering down the voting power of some communities, by Peter Wagner, February 7, 2005. http://www.prisonersofthecensus.org/news/2005/02/07/wpp/</small></p> <p><small>[2] Building a Prison Economy in Rural America, Tracy Huling in Invisible Punishment: The Collateral Consequences of Mass Incarceration, Mark Mauer and Med Chesney-Lind, eds. (New York, The New Press, 2002).</small></p> <p><small>[3] Bureau of Justice Statistics, Justice Expenditure and Employment in the United States, 2003, Table 3.</small></p> <p><small>[4] Reynolds v Sims, 377 U.S. 533 (1964), at 562.</small></p>
c00040	<p>Since the US has more people in prison than any country in the world, it seems logical that they need to be counted in a census. The question is where do they reside. If you count them as "residence" of where they are incarcerated, then you have the following problems: 1. Most prisoners are black and male. 2. Prisoners can be moved from facility to facility. 3. A prisoners real "home" is removed from conscienceness. 4. Prison locations can be influenced by politics, thus an incentive to increase prison populations.</p> <p>I recommend that you use their last know street address as their place of residence. If the prison system is really about rehabilitation, that's where they are most likely to go when they are released.</p>
c00041	<p>Prisons are located in gerrymandered districts to enhance a state's popular political party. It takes away the voting power of the people and places it in the hands of the government. Please undo this. Count prisoners as located in the area from which they came. Yes, it will be very convenient for the Census bureau to count them where they are found and any prison controlled issuance of the inmate's address might be falsified by the guards, but in total with the mass number of inmates, it is worth the effort to ensure fairness. The statistics the Census could derive noting the source location of inmates might be well worth it to the DOJ. It might highlight overzealous police or the need for jobs and education in those areas. Government (Federal agencies) should not support another government entity (State political parties) in the denial of citizen's rights.</p>
c00042	<p>As a county jail administrator for the last three decades, I am not in favor of using prisons and jails to determine an individual's residency for census purposes.</p> <p>First, and probably most significant for the purpose of gathering accurate data, many jail inmates will be counted twice - once through the monitored collection of census data in the facility, and they will usually still be added to the census by the individual completing the form</p>

	<p>at their permanent residence. This problem may be less likely with the longer-lasting temporary housing in prisons, but it is still a potential barrier to obtaining the best data possible with the system currently in place.</p> <p>Bad data leads to errors in decision making, whether it is for the purpose of drawing political boundaries, determining the demographics of a zip code or outlining school districts. Whether or not an inmate can vote should have no bearing on whether or not they are counted accurately; many inmates in jails can and do vote.</p> <p>Additionally, using prison inmates to draw political districts has created what is quite frankly, shenanigans, when it comes to determining demographics of specific areas. Here are some articles illustrating the type of issues that should concern any citizen, incarcerated or not, who cares about a fair distribution of services and representation:</p> <p>http://www.miamiherald.com/news/state/florida/article31489022.html</p> <p>https://aclufl.org/2016/03/21/federal-court-declares-prison-gerrymandering-in-jefferson-county-florida- unconstitutional/</p> <p>http://thinkprogress.org/politics/2015/09/24/3705270/florida-prison-gerrymandering/</p> <p>These articles are but a sampling of the issues the state I reside in has had to further legislate and litigate that grow from the practice of the US Census. At the very least, the adult incarcerated population should be treated, census-wise, as is the population of detained juveniles.</p> <p>Please reconsider the determination to keep the process the same. I would prefer we get and use the most accurate data we can, especially when that data correlates to real live human beings. Surely there is a way to count one as a temporary residence or other method to prevent the problems described previously. Thank you for your consideration.</p>
c00043	<p>I strongly disagree with the decision to count prisoners as "residents" of a district. It distorts the census because the prisoners do not have civil rights and cannot vote in elections.</p> <p>I strongly urge you to follow the results of the study on this issue which correctly states that it is a distortion of the democratic process.</p>
c00044	<p>You must count these people from where they come from, not their prison address. To do otherwise grossly distorts the counts.</p> <p>As the New York Times states in a recent editorial,</p> <p>'The federal courts have recently begun to see this gerrymandering as a threat to electoral fairness. In May, for example, a United States District Court held that the city of Cranston, R.I., had violated the principle of one person one vote by deeming inmates at a correctional facility "residents" for the drawing of district lines for the City Council and the local school committee.'</p>

	<p>Your position smacks of partisanship, not to mention willful ignorance of election laws and judicial decisions on the same. Please change your decision and count fairly.</p>
<p>c00045</p>	<p>The Voting Rights and Civic Participation Project (VRCPP) at New York Law School submits this comment in response to the Census Bureau’s federal register notice regarding the Residence Rule and Residence Situations, 81 FR 42577 (June 30, 2016). We urge the Bureau to change the “usual residency” rule to count incarcerated people at their home address, rather than at the correctional facility where they are located at on Census Day.</p> <p>The VRCPP seeks to address the numerous barriers that prevent poor and minority communities from having an equal voice, and an equal vote, in our country’s democratic institutions. The VRCPP coordinates with advocates in the voting rights and civil rights community to protect the right to vote and to challenge recent restrictions on voting rights in states across the country, as well as to address long-term challenges to civic participation, including the Census, redistricting and jury service.</p> <p>The proposed Residence Rule will continue to count people in prison as residents of their prison cells rather than their home communities. Based on this census data, incarcerated individuals are grouped with non-incarcerated individuals living in the surrounding community to form legislative districts. However, the vast majority of people in prison cannot vote and they have no ties to the local community beyond being sent there by the Department of Corrections.¹ Consequently, people in prison become “ghost constituents” to whom the legislator from the district has no connection or accountability, but whose presence in the prison allows the legislator’s district to exist. The voting strength of the actual constituents who live adjacent to the prison is unfairly inflated simply because of their proximity to a correctional facility. Indeed, the U.S. District Court for the District of Rhode Island recently allowed a challenge to that state’s prison districts to proceed, holding that that local prison inmates “lack a ‘representational nexus’ with the [local] City Council and School Committee.”²</p> <p>The inverse to this skew in the prison districts is the erosion of voting strength in the home communities – often located many miles away – to which most incarcerated individuals return.³ Every person counted in prison on Census Day is one fewer resident counted in the home community. The result is fewer voices and fewer votes to demand accountability and representation by local officials. As the prison districts artificially inflate, the representation of home communities diminishes and declines. A similar imbalance occurs between neighboring districts. A district that contains a prison will have inflated voting strength compared to a neighboring district without a prison, creating inequalities between residents of neighboring communities.</p> <p>The home communities that are disproportionately impacted by the current usual residency rule are largely urban communities of color. Aggressive policing tactics in recent decades have targeted minority neighborhoods across the country. Because of high incarceration rates, these neighborhoods lose significantly more residents than other neighboring districts, the impact of which is felt for decades. Losing residents means losing political power. ⁴</p> <p>In 2010, New York and Maryland were the first states in the country to pass laws to correct the skew caused by the Bureau’s current “usual residency” rule. Under the 2010 laws, officials in New York and Maryland undertook the process to remove each individual who was</p>

incarcerated in state prison on April 1, 2010 from their prison district and reallocate that person back to his home address for purposes of drawing new legislative districts.

I have studied how Maryland and New York implemented their new laws and my analysis explains in detail the process each state undertook to reallocate each incarcerated person back to his or her home community, and provides detailed information about the specific steps each state took to implement these new laws.⁵ My report details the challenges each state faced, including legal disputes and data deficiencies, and the steps taken to meet and overcome those challenges.

While Maryland and New York were successful in correcting the imbalance caused by the current policy, doing so required significant effort, hours and dollars. Passing and implementing the Maryland and New York laws involved multiple agencies and actors, including legislators and their staff, government agencies, the Attorneys General's offices, private software companies and consultants, and outside advocacy organizations. In researching this process, including interviews with dozens of officials in each state, it became clear that there was widespread consensus among officials in both states that the most effective way to correct the imbalance caused by the current practice is for the Bureau to change its usual residence rule to count people in prison as residents of their home communities rather than their prison cells.

My analysis resulted in the following specific recommendations for the Bureau:

1. Update the interpretation of the Usual Residency rule to ensure that incarcerated persons are allocated to their home residence rather than at the location of a correctional facility. The Bureau should consult with stakeholders, including redistricting experts, elections officials, corrections officials, criminal justice advocates, and others to develop the best strategies and data choices for meeting this goal.
2. Consider using "self-enumeration" data wherever possible to tabulate incarcerated people. Allowing incarcerated individuals to complete and submit their own Census forms would allow them to identify their race and ethnicity as well as enable them to directly list their current home address.
 - Conduct a self-enumeration pilot study in select correctional facilities to develop protocols and test the utility of inmate-completed forms, as suggested by the Bureau's 2013 Ethnographic Study.
 - Where administrative records are to be used to tabulate incarcerated people, rely on agency-level administrative records collected by the Federal Bureau of Prisons and state correctional agencies – as suggested by the Bureau's 2013 Ethnographic Study – rather than collecting this data on the individual facility level.
 - Consult with the Bureau of Justice Statistics to identify best practices for designing effective systems for collecting accurate and reliable state corrections data.⁶
 - Assure that state correctional agencies are aware of the Office of Management and Budget's (OMB) Standards for the Classification of Federal Data on Race and Ethnicity, and advise state correctional agencies on how data systems can be structured to facilitate data collection consistent with these standards. Encouraging states to use the OMB standards would eliminate inconsistencies in how race and ethnicity data are recorded.⁷

3. Conduct experiments using existing state corrections data to evaluate how these administrative records, in their current form, would impact Census Bureau workflow and quality standards, as well as to develop protocols for addresses that cannot be successfully geocoded.
4. Consider how to allocate persons in the limited circumstances where an individual's home address is unknown or nonexistent. For example, the Bureau may have to tabulate a limited number of people at the correctional facility where there is insufficient home address information.
5. Explore whether the recommendation of the 2013 *Ethnographic Study of the Group Quarters Population in the 2010 Census: Jails and Prisons*⁸ to establish "correctional specialists" to coordinate the Bureau's enumeration of people confined in correctional facilities will improve efficiency and standardization.

As long as the Bureau continues to count incarcerated individuals as residents of their prison cells, the demographic data of their home communities will continue to be skewed and incomplete, resulting in long-term disenfranchisement and disempowerment. To correct this injustice, we urge the Bureau to amend its usual residency rule to count incarcerated individuals as residents of their home communities.

¹ Only Maine and Vermont allow people to vote while in prison. See Erika Wood, Brennan Center for Justice, *Restoring the Right to Vote* 3 (May 11, 2009), available at <http://www.brennancenter.org/publication/restoring-right-vote>. In those two states, incarcerated people maintain residency in their home communities for voting purposes and vote in their home district by absentee ballot; they do not vote in the district where they are incarcerated. See Vt. Stat. Ann. tit. 17, § 2122(a); Me. Rev. Stat. Ann. tit. 21-A, § 112(14).

² *Davidson v. City of Cranston*, No. 14-91L, 2016 WL 3008194 *5 (D.R.I. May 24, 2016) (quoting *Calvin v. Jefferson County Board of Commissioners*, No. 4:15CV131, 2016 WL 1122884 *8 (N.D. Fla. March 19, 2016)).

³ See *Fletcher v. Lamone*, No. 1:11-cv-03220, at 18 (D. Md. Dec. 23, 2011), *aff'd* 133 S. Ct. 29 (2012) (mem.) (citing Nancy G. La Vigne *et al.*, *A Portrait of Prisoner Reentry in Maryland* 33 (Urban Institute 2003) available at http://www.urban.org/UploadedPDF/410655_MDPorraitReentry.pdf which found that most Maryland prisoners returned to Baltimore after their release from prison).

⁴ See Erika L. Wood, *One Significant Step: How Reforms to Prison Districts Begin to Address Political Inequality*, 49 U. MICH. J. LAW REF. 101 (2015).

⁵ See Erika L. Wood, *Implementing Reform: How Maryland and New York Ended Prison Gerrymandering* (Demos 2014), available at <http://www.demos.org/publication/implementing-reform-how-maryland-new-york-ended-prison-gerrymandering>.

⁶ The Bureau of Justice Statistics conducted a survey of state correctional data systems in 1998, finding that the majority of state prison systems had mostly complete electronic records of home addresses. See Bureau of Justice Statistics *et al.*, *State and Federal Corrections Information Systems: An Inventory of Data Elements and an Assessment of Reporting Capabilities*, Bureau of Justice Statistics (Aug. 1998), available at <http://www.bjs.gov/content/pub/pdf/sfcisq.pdf>. The Census Bureau should determine how these data collections have improved in the last sixteen years, and consider how the Bureau can help these systems continue to improve as 2020 approaches. Further, the Census Bureau may wish to explore the state of data collection in the nation's largest jail systems; the fifty largest jail systems in the U.S. hold more than a third of the nation's jail population.

⁷ The OMB standards provide a common language to promote uniformity and comparability for data on race and ethnicity and were developed in cooperation with federal agencies, including the Census Bureau, to provide consistent data on race and ethnicity throughout the federal government. For an explanation of OMB standards, see Office of Mgmt. & Budget, *Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity* (Oct. 30, 1997), available at http://www.whitehouse.gov/omb/fedreg_1997standards/.

	<p>8 Barbara Owen and Anna Chan, <i>Ethnographic Study of the Group Quarters Population in the 2010 Census: Jails and Prisons</i> 37 (2013), available at http://www.census.gov/srd/papers/pdf/ssm2013-06.pdf.</p>
c00046	<p>The New Jersey Association on Correction submits this comment in response to the Census Bureau 's Federal Register notice regarding the Residence Rules and Residence Situation 81FR 42577(June 30, 2016). The Association urges you to count incarcerated people at their home address rather than the particular facility that they happen to be located on Census day. If we count juveniles in residential programs, students in Boarding Schools and military personnel with overseas assignments in their home addresses we should do the same for those incarcerated.</p> <p>We currently incarcerate more than 2,000,000 individuals in the US. By designating a prison cell as a residence in the 2010 census, the Census Bureau concentrated a population that is disproportionately male, urban, and African American or Latino into just 5393 Census Blocks that are located far from the actual homes of the incarcerated people. When this data is used for redistricting, prisons inflate the political power of those who live near them. This also serves to make the Census less accurate.</p> <p>When this issue was opened for comment in 2015, 96% of the comments received by the Census Bureau supported the idea of counting individuals at their home not at the prison cell they currently occupied. I was hopeful that this kind of support would result in a positive response from the Bureau. I was disappointed to learn otherwise.</p> <p>Thank you for the opportunity to comment on the Bureau's efforts to count everyone in the right place. The Association believes in a population count that is accurate. We urge you to count the incarcerated as residents of their home addresses and not the prison community they happen to be in on Census day.</p>
c00047	<p><i>This comment submission contains graphics that cannot be displayed in this table. It is available as Appendix Attachment c00047.</i></p> <p>As the _____ for AIDS Alabama, I wish to express my opposition for the proposed 2020 census criteria regarding incarcerated adults which designates that their residency be counted based on the jail, prison, or detention facility in which they are incarcerated. This guideline will not only result in a less accurate census count, but will contribute to redistricting which dilutes political representation, especially for already marginalized communities. Establishing the residency of incarcerated adults as based on their legal residence - instead of their place of incarceration - will ensure that the 2020 census can more accurately depict local populations and safeguards against possible misrepresentation as a result of redistricting.</p> <p>Prisons, jails, and other detention facilities are predominately located in rural or suburban counties. A 2014 analysis by the Vera Institute of Justice found that 62% of the U.S. jail population was incarcerated in mid-sized or small counties, with nearly half (44%) in counties of under 250,000 non-incarcerated residents. There are also large racial disparities in the demographic breakdown of those incarcerated. Numerous studies (including the 2014 Vera Institute analysis and a 2016 report by The Sentencing Project entitled <i>The Color of Justice: Racial and Ethnic Disparities in State Prisons</i>) have demonstrated that people of color in this country are far likelier than whites to be arrested and incarcerated. The incarceration rate of African Americans, for example, is over 5 times that of whites, and Latinos are incarcerated at a rate 1.4 times that of whites. Racial disparities in some states are even worse, such as my state of Alabama, where over</p>

	<p>half the prison population is black. Lastly, it is important to note that in only two states Maine and Vermont can prisoners vote while incarcerated.</p> <p>In light of this evidence, it can be seen how the decision to count incarcerated persons as residents of the county in which their facility is located during the Census would contribute to misrepresentation on a number levels. For residents of rural and small counties housing a large jail, prison, or detention center, local redistricting would be skewed towards the detention facility, despite the fact those prisoners are most likely unable to vote and have permanent legal residence somewhere else. This dilutes the power of local residents in political decisions that directly impact their lives. Meanwhile, those same counties will have a disproportionate say in state and federal matters at the expense of the urban areas from which many of those incarcerated individuals have permanent legal residence. For those who are incarcerated for short periods, this may result in them spending the majority of the year in another locale than that in which they were counted for the Census.</p> <p>The impact this policy would have on racial inequities is also gravely important to consider. Since people of color are over represented in detention facilities, criteria counting incarcerated adults as residing in the counties in which they are detained would skew data obtained by the Census. As a result, demographic research and analysis carried out to inform policies would likewise be inaccurate, hampering the ability of local, state, and federal officials to see and address disparities. For example, a rural or suburban county housing a large prison facility may appear in the data as more diverse and having a lower average income than in reality, masking geographic disparities. In addition to erroneous data on racial inequities, the proposed criteria also reduces the political power of communities of color. Rural, predominately white counties that are more likely to contain detention facilities would be over represented at state and federal levels due to the mechanisms described above, essentially weighting their political input greater than that of communities of color, which are predominately urban. Whats more, those incarcerated individuals who are subsequently released would return home to find they have less local government representation, and thus reduced input on policy decision directly impacting their lives.</p> <p>In summary, by counting incarcerated adults as residents of the county housing their detention facility, the proposed criteria for the 2020 U.S. Census would invariably contribute to inaccurate demographic data and political misrepresentation at various levels of government. For this reason, I strongly suggest that the U.S. Census Bureau revise the proposed criteria to instead count incarcerated adults according to their home address. I have included supporting documents with this submission for further review, if you so wish. Thank you for your time, and I hope the U.S. Census Bureau will take these points into serious consideration going forward.</p>
c00048	<p>I am writing to provide comment and support for U.S. Census Bureau’s proposed “2020 Census Residence Rule and Residence Situations”.</p> <p>On behalf of the Christian County community, I show my support of the proposed new guidelines for counting of deployed military personnel in the upcoming 2020 Census. Under the proposal, U.S. military personnel who are deployed outside the U.S. on Census Day would be counted at the U.S. residence where they live and sleep most of the time. Counting deployed service members via this method will ensure that they are counted in the most advantageous and beneficial means for all communities.</p>

	<p>Military service members and their families are vital to the fabric of the communities in which they are stationed. Often, the communities surrounding a military installation work tirelessly to provide the best options, partnerships, and opportunities for their military neighbors. Our community here in Christian County, Kentucky, is no exception to that standard of excellence in service. In so many ways, Christian County has maintained a steadfast relationship—and partnership—with the Army, working to ensure our community is in tune with the quality of life needs and wishes of our soldiers and their families.</p> <p>The proposed method of counting service members who are deployed at the time of the 2020 Census will accurately show the economic impact that these service members have on the communities in which they work, play, and reside. Appropriate federal dollar funding can now be made available to these very communities, so that they may continue to provide quality of life services and opportunities.</p> <p>I pledge my continued support for economic prosperity and opportunities for the region in which Fort Campbell gains tremendous support. I thank you for your consideration of enacting what is best for our country’s military personnel, their families, and the communities that they call home.</p>
c00049	<p>I represent _____, state of Oklahoma and submit this comment in response to the Census Bureau's Federal Register notice regarding the Residence Rule and Residence Situations, 81 FR 42577 (June 30, 2016}. The Bureau's proposal to continue counting incarcerated people at the particular facility that they happen to be located at on Census Day ignores the reality of incarceration: prisons are not a "usual residence."</p> <p>As an elected representative, I am keenly aware that democracy, at its core, rests on equal representation. Equal representation, in turn, rests on an accurate count of the nation's population.</p> <p>The reality is that when my constituents are incarcerated, they are often sent to prisons outside _____, but they still rely on me for representation. Over the course of their incarceration, the prison administration may move them between different prisons, located in many of my colleagues' districts, but they remain my constituents. Their home in my district remains their only stable, permanent, "usual" residence. Counting them as if they were residents of the facility where they happen to be held on Census day doesn't reflect the modern lived reality of our communities.</p> <p>I note that your proposed method of counting the incarcerated populations inconsistent with how you count other groups that eat and sleep in a location that is not their usual residence. For example, I note that your proposed rules will count boarding school students at their home address even if they spend most of their time at the school. The same approach should be taken when counting incarcerated people.</p> <p>I am also concerned about the impact of your resident rules on racial justice in my state. Our state disproportionately incarcerates disproportionately African-American or Latino people so when you count them in the wrong location, and that data is used for redistricting it further undermines the political power of minority communities.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives</p>

	<p>to follow the residence rule to count everyone in the right place. I believe that in order to produce an accurate 2020 Census, the Bureau must count incarcerated people at home.</p>
c00050	<p>Thank you for this opportunity to respond to the Census Bureau’s Notice seeking comments on the Bureau’s proposed 2020 Census Residence Rule and Residence Situations (81 FR 42577, June 30, 2016). The League of Women Voters of Virginia urges the Bureau to change the method it uses to count the prison population due to the impact it has on voter representation and on the League’s mission to protect voting rights, ensure fair and equal representation, and promote accurate redistricting.</p> <p>In 2015, in response to the Census Bureau’s request for comments on its interpretation of its “usual residence” rule, the Bureau received 156 comments, asking the Bureau to change its interpretation of how the residence rule applies to prisoners and to count them at their home or pre-incarceration addresses. Six comments opposed changing the rule. It is difficult to understand why the great weight of those comments in favor of changing the rule did not persuade the Bureau to change its approach with respect to prisoner counts.</p> <p>The Bureau created the “usual residence” rule through administrative interpretation of the Census Act of 1790. While a few changes have been made to those rules since that time in order to keep up with the changing demographics of America, the rule to count prisoners where they are incarcerated, not at their home residences, has remained unchanged over the last centuries.</p> <p>Doubtless in 1790 when citizens were less mobile, these terms in the statute, “usual place of abode,” “settled place of residence ...in any family,” and “every person occasionally absent at the time of the enumeration, as belonging to that place in which he usually resides in the United States,” meant one’s home location. Back in 1790, this rule made sense because there were few prisoners and they were imprisoned and punished in their home locations. Since 1980, however, the prison population has quadrupled and, prisoners are now typically incarcerated in rural areas far from home. This change in circumstances and failure to change the residence rule in the context of today’s imprisonment practices results in prison gerrymandering, granting greater representation to rural areas that contain prisons and, hence, unequal representation for residents in districts that contain no prisons (both urban and rural). It is time for the Census Bureau to update its interpretation of the people in prison on Census day.</p> <p>In this proposed rule, when the Bureau does make a change in its interpretation of the “usual residence” rules, it appears to lean heavily on how long individuals are away from home. For example, military now <i>deployed</i> overseas will be counted at their home addresses. Other military <i>stationed or assigned</i> overseas will be counted as previously in their “home of record” state for apportionment purposes only. Residents of juvenile group homes are counted at the group home location because they are there for long periods of time while juveniles in residential treatment centers will be counted at their home locations because the Census Bureau believes individual stays are relatively short.</p> <p>A factual survey about prisoner time served at each prison nationwide might reveal that vast numbers of prisoners serve two years or less. In Virginia, the median time served in state prison for someone released in 2014 was 19.5 months. But even while they were in state custody they were likely to have been moved between different facilities, making the time spent at any given facility much shorter. We don’t have that data available for Virginia, but in New York, for example, the median length of stay in any given facility is about seven</p>

months and in Rhode Island it is under 100 days. Length of stay does not appear to support the Bureau's reasoning for continuing to count prisoners at their prison locations where typical prisoner time served can be shorter than deployments overseas.

Also of concern in this proposed rule is that the Census Bureau leaves it up to the states individually to decide whether to include their own prisoner population counts when they redistrict. If states decide they want to exclude prisoner counts when they redistrict, states must either do the calculations themselves or submit a data file to the Census Bureau (indicating where each prisoner is incarcerated on Census Day and their pre-incarceration address) in a specified format. The Census Bureau will review the submitted file and then, if it includes the necessary data, provide a product that contains supplemental information the state can use to construct alternative, within-state tabulations for its own purposes. But even with this proposed solution states still cannot, as a practical matter, account for all of their residents who may be in other states' prisons or in a federal facility. It is not clear why the Census Bureau does not use its statutory authority (to collect accurate census data) to ask states simply to do that.

Some localities in Virginia at town, city, and county levels have chosen to exclude their prisoner counts on occasion when making redistricting decisions. Six counties have adjusted their Census data and did not include prisoner counts when drawing their supervisors' districts. Eighteen other counties in Virginia used Census data and included prison populations when drawing their supervisors' districts. Such individual decision-making only adds to a lack of uniformity within states and among states, leading to inaccuracy in the way prisoners are treated for redistricting purposes.

This is a problem in rural communities that contain large prisons because it seriously distorts redistricting at the local level (county commissions, city councils, and school boards). The Constitutional principle of one person, one vote should not be a county by county or state by state issue. It is a federal issue about representational equality.

Already four states (Maryland, New York, California and Delaware) now count prisoners at their home locations for redistricting purposes; other states do not. Two recent court decisions in Rhode Island and Florida have held that counting prisoners at prisons in districts for local redistricting purposes as if those prisoners are eligible voters violates the Constitution's one person, one vote principle. Here are links to the two decisions: http://www.prisonersofthecensus.org/Calvin_v_Jefferson-Order.pdf; <http://riaclu.org/images/uploads/Davidson.v.Cranston.decision.pdf>. Cranston is now on appeal. These cases make it more likely that other challenges to using Census data will follow if the Bureau does not change the way it counts incarcerated people. The Bureau's proposed rules lead to greater uncertainty as states redistrict in 2021.

Under its statutory authority to collect accurate census data, the Census Bureau can ask states and the federal Bureau of Prisons to submit a data file, indicating where each prisoner is incarcerated on Census Day and prisoner's pre-incarceration address. We ask the Census Bureau to exercise that authority in order to conduct an accurate Census.

Continuing to count prisoners at their places of incarceration makes it more likely than not that states will continue to count prisoners in districts where they should not be counted, resulting in impermissibly unequal representation in districts that do not contain prisons.

	<p>Failing to interpret “usual residence” to reflect today’s vastly changed circumstances promotes the likelihood that more federal courts will hold that the Bureau’s failure to update its residence rules results in state redistricting plans that violate the Constitution.</p> <p>Therefore, the League urges the Census Bureau to change the “usual residence” rules for the 2020 Census so that prisoners are counted at their pre-arrest home jurisdiction. Fairness in voting power will result and will prevent constitutional violations of the one person, one vote requirement.</p>
c00051	<p>Based on the following criteria for Foreign Citizens in the U.S., it is not clear whether foreign "snowbirds" - those who are foreign citizens but stay in the U.S. for 4 to 5 months every year - would be considered to be "living" in the U.S. under (a) or "visiting" under (c) below. Suggest a clarification to differentiate between "living" and "visiting," perhaps expand (a) to state "...living or staying in the U.S. for an extended period of time exceeding _____ months." For local government jurisdictions with high percentages of Foreign Citizen "snowbirds," this is an important distinction. As an example, our jurisdiction has an official population of approximately 6,700. However, for almost half of the year the actual population is closer to 20,000 due to snowbirds, many of whom are Canadian or European citizens. These snowbirds do not come for only a couple of weeks, but stay for several months. This places a different burden on the local governing jurisdiction than short-term vacationers would place. Therefore, it would seem justified to provide a clarification in the criteria below in order to more accurately reflect the Foreign snowbird impact on local jurisdictions.</p> <p>3. FOREIGN CITIZENS IN THE U.S.</p> <p>(a) Citizens of foreign countries living in the U.S. Counted at the U.S. residence where they live and sleep most of the time. (b) Citizens of foreign countries living in the U.S. who are members of the diplomatic community counted at the embassy, consulate, United Nations' facility, or other residences where diplomats live. (c) Citizens of foreign countries visiting the U.S., such as on a vacation or business trip Not counted in the census.</p>
c00052	<p><i>This comment submission contains graphics that cannot be displayed in this table. It is available as Appendix Attachment c00052.</i></p> <p>I am writing to comment on the proposed rules and to share some valuable insight. I have followed the Prison Gerrymandering Project with much interest - since they hyper focus on where prisoners should be counted - and not in their cells - but completely ignore other populations that have a similar minimal if any connection to their community. That population I speak of is the extensive number of undocumented individuals particularly those in gateway communities.</p> <p>By way of background, I was _____ the Village of Port Chester on the Voting Rights case brought by the Federal Government. Our case resulted in implementation of a cumulative voting scheme to replace an at large system that the Federal Government opposed. As demonstrated by the attached expert report of Clark Benson, Port Chester demonstrated that a serious problem occurred in a redistricting plan that sought to create a minority Hispanic district to resolve a determined Section 2 violation. The plan seriously devalued the vote of everyone else in the community by basing districting in part on individuals that were unable to participate as voters in the community - much like prison gerrymandering.</p>

	<p>Interestingly, from the Prison Gerrymandering site, the Court in the Cranston Rhode Island case highlighted the fact that the average stay of a prisoner in that case was not significant. What do you think is the average stay of one passing through an immigrant gateway community?</p> <p>The most important part of your work would be to clearly identify the CVAP within each of the census areas, to the smallest zone fiscally possible. This will allow for a CVAP analysis to be performed, included, utilized and adopted as a requirement to redistricting efforts to correct disparities created by redistricting solely on the basis of total population - particularly at a local level. The elimination of rotten boroughs would result which can only be viewed as a positive for our democracy.</p> <p>Certainly, identifying areas of low CVAP will also be helpful for government bureaucrats that need to determine where aid to individuals needs to be disbursed, helping to ensure that the neediest amongst us - regardless of the immigration status, can be assisted.</p> <p>I thank you for the opportunity to submit these comments and the attached report to you.</p>
c00053	<p>I represent Michigan's _____ and submit this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 81 FR 42577 (June 30, 2016). The Bureau's proposal to continue counting incarcerated people at the particular facility they are located at on Census Day ignores the reality of incarceration: prisons are not a "usual residence."</p> <p>As an elected representative, I am keenly aware that democracy, at its core rests on equal representation. Equal representation, in turn, rests on an accurate count of the nation's population. The reality is that when my constituents are incarcerated, they are often sent to prisons outside my district, but they still rely on me for representation. Over the course of their incarceration, prison administrators may move them between different prisons, located throughout many of my colleagues' districts, but they continue to be my constituents. Their home in my district remains their only stable and permanent residence. Counting them as residents of the facility where they are held on Census day does not reflect the modern reality of our communities.</p> <p>I note that your proposed method of counting the incarcerated population is inconsistent with how you count other groups that temporarily reside in a location other than their usual residence. For example, one proposed rule will count boarding school students at their home addresses even if they spend most of their time at school. The same approach should be taken when counting our nation's incarcerated individuals.</p> <p>I am also concerned about the impact of your residence rules on racial justice in my state. The State of Michigan disproportionately incarcerates African-American and Latino populations, so when counted in the wrong locations and legislative districts are drawn accordingly, it further undermines the political power of minority communities.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place. I believe that in order to produce an accurate 2020 Census, the Bureau must count incarcerated people at home.</p>
c00054	<p>Common Cause Delaware (CCDE) submits this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 81 FR 42577 (June 30, 2016). The Bureau's proposal to continue counting incarcerated people</p>

at the particular facility that they happen to be located at on Census day ignores the transient and temporary nature of incarceration. If made final, this proposal will mean another decade of decisions based on a Census that counts incarcerated people in the wrong place.

Ensuring that redistricting is impartial and that legislative lines are drawn in a fair and transparent way is part of the core mission of CCDE to promote civic engagement and accountability in government, as is ensuring that every eligible American's vote is counted fairly. Counting incarcerated persons as residents of the district in which they are temporarily held has the effect of unfairly enhancing the political power of those who live and vote in the prison district, while unfairly diluting the votes of those in districts without prisons. Legislators with a prison in their district should not get a bonus for keeping the prison full. This dynamic hurts our democracy, and it hurts the communities from which these incarcerated persons hail.

The Census Bureau should honor the overwhelming consensus urging a change in the Census count for incarcerated persons. When the Bureau asked for public comment on its residence rules last year, 96% of the comments regarding residence rules for incarcerated persons urged the Bureau to count incarcerated persons at their home address, which is almost always their legal address. This level of consensus among stakeholders, which is based on a thorough understanding of the realities of modern incarceration, deserves far more consideration than it was given.

As you know, American demographics and living situations have changed drastically in the two centuries since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. The country's exploding prison population requires the Bureau to adapt once again.

By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just a few thousand Census blocks that are located far from the actual homes of incarcerated people. When this data is used for redistricting, it artificially inflates the political power of the areas where the prisons are located and dilutes the political power of all other urban and rural areas without large prisons.

Currently, four states including our own (California, Delaware, Maryland, and New York) and over 200 individual counties and municipalities adjust Census population data to avoid prison gerrymandering when drawing their districts. Acknowledging the need to correct its own data to avoid prison gerrymandering, the Bureau has proposed to help states with the population adjustment. But this ad hoc approach is neither efficient nor universally implementable.

For example, in 2010, when Delaware became the second state to pass a law to end prison-based gerrymandering, the Department of Corrections collected and transmitted the address information but, unfortunately, the state was unable to arrange for the geocoding of this address data in time for the legislature's deadline on making their proposals public and had to, reluctantly, postpone full implementation until 2021. A change in the residence rule for incarcerated people by the Census Bureau would meet the state's needs in a much more streamlined fashion.

	<p>We're proud Delaware took the first step towards undoing prison-based gerrymandering, but it hasn't been a smooth process, and there is a better way. This ad hoc approach in a few states is neither efficient nor universality implementable. If the Census Bureau would change its practice of counting incarcerated individuals at their home address rather than at the prison location, it would significantly alleviate the burden on state and local agencies and provide an efficient solution to greatly improve the fairness of apportionment and representation for millions of Americans. As you well know, states across the country look to the Census Bureau as the nation's foremost expert on national demographics and data, and more often than not count incarcerated persons the way the Bureau does. Once the Bureau leads the way with an update to a now outdated practice, states are sure to follow.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau to follow the residence rule to count everyone in the right place. My organization believes that in order to produce an accurate 2020 Census, the Bureau must count incarcerated people at home.</p>
c00055	<p>I have reviewed the Proposed 2020 Residency Rule published in the Federal register on June 30, 2016, and I am writing to provide feedback that I think will be useful during the process of finalizing the rule. There are three aspects of the rule that I will be commenting on. Those are the place to count prisoners, where to count residents of boarding schools, and how those in transitory locations are counted.</p> <p>The proposed rule indicates that Census will continue with the long-standing practice of counting prisoners in the facility in which they are located at the time of the enumeration. I fully support this aspect of the rule as it maintains fidelity to the principle of counting persons where they stay and sleep most of the time. Persons in correctional facilities stay and sleep in the prison, in most cases, all of the time that they are incarcerated and therefore should be counted at that location. The argument to count the prisoners at their residence prior to incarceration goes against the principle of counting persons at their usual residence.</p> <p>The proposed rule indicates that students in residential school facilities that are enrolled at less than the college level should be counted at their parent or guardians' home. This portion of the rule is misguided. This rule moves residents who spend nine or more months at a location back to a location where they do not spend most of their time. Students in boarding schools often partake in the activities of the communities in which their schools are located and share in consuming the resources, physical, environmental, and social, that the community has to offer. I understand that boarding school students present a potential problem with double counting, once by the parents and once by the school, but there should be a procedural or instructional mechanism in place to account for this rather than going against the principle of counting people where they spend most of their time. The logic of this portion of the rule is doubly confounding when viewed from the vantage point of how college students are counted. These students are often just as financially dependent on their parents as their younger peers are, yet they will be counted at the school rather than with their parents. For the internal consistency of the rule, boarding school students should be counted at the place where they spend the majority of their time.</p> <p>The final portion of the rule that needs comment is the section dealing with those in transitory locations. My concern is not with the logic of this portion of the rule, rather I have concerns about its implementation. My concern is specifically with those found in facilities that cater to recreational vehicles (RV). Through conversation with Census staff, my understanding is that during the count of transitory locations persons found in RV parks are asked if it is their usual location. If they respond in the negative then they are not counted as it is</p>

	<p>assumed they will return to their usual place of residence and be counted as part of the normal enumeration. This is logically consistent with the rest of the rule, but not practically consistent. The fact is that many persons whom enumerators will find in RV parks spend a majority of their time in RV parks, just not the same one. Someone may winter in, for example, Florida for three or four months and then relocate to the north, for example, to Michigan for the warmer months of the year. The primary issue here is that these people will not be counted in their usual place as they will not be counted at all. If, as in my examples, someone spends four months in Florida and tells the enumerator that they do not spend most of their time in Florida, but spends eight months in Michigan, in another RV park, during the warmer months, they will not be counted at all, as they would have missed the enumeration of transitory locations in Michigan. The solution to this is to add a simple second step to the enumeration of transitory locations that would ask if the person spends most of their time in a combination of transitory locations. If the respondent indicates that they are usual residents of multiple transitory locations then they should be counted at one of these locations. My concern is less, referring again to the example locations, whether they are counted in Florida or Michigan, but that they are counted somewhere.</p> <p>Thank you for this opportunity to comment on the proposed residency rule. I believe that the majority of the rule is sound and will ensure that people are counted once and in the right place. Please do not hesitate to contact me if you would like clarification on any point that I have raised.</p>
c00056	<p>As their duly elected representative to _____, I submit this comment on behalf of the residents of New York's _____ in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 81 FR 42577 (June 30, 2016). The Bureau's proposal to continue counting incarcerated people at the particular facility that they happen to be located at on Census day ignores the transient and temporary nature of incarceration. If made final, this proposal will guarantee an inaccurate 2020 Census, and another decade of decisions based on distorted data that misrepresents our demographic composition.</p> <p>The Census Bureau's proposal to continue to count incarcerated individuals as residents of the correctional facility in which they are located at the time of the census is an arbitrary rejection of both accuracy and public consensus. When the Bureau asked for public comment on its residence rules in 2015 96 percent of the comments regarding residence rules for incarcerated persons urged the Bureau to count incarcerated persons at their home address, which is almost always their legal address.¹ This level of consensus amongst stakeholders is rare, and deserved more consideration than it appears to have been given.</p> <p>Historically, a relatively low prison population in the United States ensured that this inaccurate methodology had relatively little impact on the overall accuracy of the Census, but the growth in the prison population over the last few decades urgently requires the Census Bureau to update its methodology, and stop counting prisoners as residents of the cells in which they are temporarily incarcerated instead of their home address.² American demographics and living situations have changed drastically in the two centuries since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. The designation of a prison cell as a residence concentrates the inmate population, which is disproportionately male, urban, and African-American or Latino, into just a few thousand Census blocks that are located far from their actual residences. ³ The erroneous manner in which this population is counted degrades the accuracy of census, and must be corrected.</p>

The impact of this flawed methodology is well documented in New York State, where, in 2007, thirteen rural counties chose to correct the Census count and remove their prison population prior to redistricting to avoid vote dilution in their districts.⁴ The 2000 Census miscounted 43,740 New York City residents in upstate prison cells.⁵ In addition seven state senate districts only met population requirements because the Census counted incarcerated people as if they were upstate residents. For this reason, New York State passed legislation to adjust the population data after the 2010 Census to count incarcerated people at home for redistricting purposes.⁶ Three other states (California, Delaware, and Maryland) are taking a similar state-wide approach, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts.⁷

While the Census Bureau arbitrarily disregarded the overwhelming public consensus regarding inmate populations, it decided that other populations - deployed overseas military, and juveniles staying in residential treatment centers - should be counted in their home location even if they are sleeping elsewhere on Census Day.⁸ The Bureau made these changes even though there were far fewer public comments identifying potential concerns from miscounting these populations.

The Bureau's failure to update its residence rules is particularly disturbing because federal courts have started to recognize that the Bureau's prison count can result in constitutional violations of one person, one vote requirements.⁹ Counting incarcerated people at the location of the facility condones violations of equal representation and ensures legal challenges to the constitutionality of redistricting plans at the state and local level. There have already been successful constitutional challenges to prison gerrymandering in Jefferson County Florida and Cranston Rhode Island.¹⁰ In Florida, the Court ruled the Jefferson County School District's redistricting plan, which counted the inmates of the local state correctional facility as residents of one school board district, unconstitutionally diluted the voting power of voters in the other districts, violating the "one person one vote" principle of the Equal Protection Clause of the 14th Amendment. The Bureau's current refusal to change the way it counts incarcerated populations will ensure that these constitutional challenges continue into the coming decades.

The Bureau's proposal to allow States to request individualized Census counts that reallocate incarcerated populations at their home addresses is a tacit admission of the inefficacy of its current counting rules. Only four states, (CA, DE, MD and NY) would be able to reallocate their populations according to these individualized counts. The remaining State's face another decade of potential legal challenges to redistricting plans. In order to fairly serve its data users in state and local governments, the Census Bureau must change how it counts prisoners.

1 Full-Text Log of Comment Submissions to "2020 Decennial Census Residence Rule and Residence Situations; Notice and Request for Comment," 80 Federal Register 28950 (May 20, 2015) (available at: https://www.census.gov/content/dam/Census/programs-surveys/decennial/2020-census/2015-12118_FRN_Comments.pdf).

2 *The Sentencing Project*, Fact Sheet: Trends in U.S. Corrections (available at <http://sentencingproject.org/wp-content/uploads/2016101/Trends-in-US-Corrections.pdf>).

3 *Prison Policy Initiative*, Phantom constituents in the Empire State: How outdated Census Bureau methodology burdens New York counties, (2007) (available at: <http://www.prisonersofthecensus.org/nycounties/>).

4 *Id.*

	<p>5 <i>Id.</i></p> <p>6 <i>Demos</i>, "Implementing Reform: How Maryland & New York Ended Prison Gerrymandering," (August 15, 2014) (available at http://www.demos.org/publication/implementing-reform-how-maryland-new-york-ended-prison-gerrymandering).</p> <p>7 The Hartford Courant, "Bill Proposed to End 'Prison Gerrymandering,'" (February 10, 2016) (available at http://www.courant.com/politics/hc-prison-gerrymandering-connecticut-20160210-story.html).</p> <p>8 81 FR 42577 (June 30, 2016).</p> <p>9 <i>Calvin v. Jefferson</i>, case 4: 15-cv-00131-MW-CAS., N.D. Fla. (March 19, 2016).</p> <p>10 <i>Id.</i></p>
c00057	<p>We write to resubmit our comments in response to the Census Bureau's federal register notice regarding the Proposed 2020 Census Residence Criteria and Residence Situations (FR Doc. 2016-15372 Filed 6-29-16). The fact that the Census Bureau plans to offer a product to assist states to reallocate their own prisoner population counts is perhaps a step in the right direction but we question why this method will not be used for the official decennial census count.</p> <p>In our letter to you dated July 8, 2015 we wrote: "The most expedient and streamlined avenue for changing the method for counting prison populations lies with the Census Bureau changing their prisoner residence rule procedure. This would provide a systematic and consistent tabulation approach for calculating Congressional re-apportionment and one that is uniform for redistricting in all 50 states. Such a change on the federal level will rectify the perceived inequalities in counting prisoners and eliminate costly litigation for states to defend redistricting plans based on adjusting local prison populations."</p> <p>It remains our belief that prisoners should be counted at their last place of residence so the official count is consistent nationwide and costly litigation avoided due to local methodologies adopted to meet this result.</p> <p>Therefore, we again urge you to change Census Bureau policy to count incarcerated people as residents of their home address, rather than at the place of their incarceration.</p>
c00058	<p>I am writing about my opposition to the recent proposal on how to implement residence guidelines for the 2020 Census. I believe the Census Bureau is wrong to consider incarcerated people as residents of the correctional facility, rather than at their home address. The current method of counting has proven to be inaccurate and outdated. As a state senator, representing a predominately urban area, I am requesting a more fair and equitable representation of all people and communities.</p> <p>The Bureau has chosen to continue counting people in the wrong place, ensuring an inaccurate 2020 Census. With the next census just four years away, planning is already underway. For this reason, I urge the Bureau to make the necessary steps to ensure, at this early point in the planning process, that the 2020 census can count incarcerated people at their home addresses.</p> <p>As you know, the Census Bureau's current "residence rules" instruct the Bureau to tabulate incarcerated people as residents of the prison location, even though incarcerated people are not considered residents of the prison location for other purposes. At the time of the nation's first census, the question of where incarcerated people were counted was of little importance because very few people were behind bars. Today, nearly 1 percent of the U.S. adult population is incarcerated. By designating a prison cell as a residence, the Census Bureau</p>

	<p>concentrates a population that is disproportionately male, urban, and African-American or Latino in approximately 1,500 federal and state prisons that are far from their home communities.</p> <p>I recognize that the Census Bureau seeks to conduct the fairest, most accurate, and most efficient census possible, and I also understand that this undertaking requires decade-long preparations. I therefore urge you, in your research and planning for the 2020 census, to make it a priority to develop a methodology to tabulate incarcerated people at their home addresses.</p> <p>I thank you for your careful consideration of this issue.</p>
c00059	<p>As a resident of Pennsylvania, I am against the counting of inmates in prisons and halfway houses as being residents where they are incarcerated. Pennsylvania law states: for the purpose of determining residence, an inmate in a penal institution is deemed to reside where the individual was last registered to vote before being confined in the penal institution; or if the inmate was not registered to vote prior to confinement, the individual is deemed to reside at the last known address before confinement; or a new residence established while confined (for example, if the inmate's spouse establishes a new residence in which the inmate intends to reside upon his/her release from confinement).</p> <p>Counting inmates as residents of prisons and detention centers violates Pennsylvania law, which states: A penal institution (including a halfway house) cannot be a residence address for registering to vote. It also violates the one person, one vote requirement of the U.S. Constitution's Fourteenth Amendment as was made clear this year by U.S. District Judge Mark E. Walker in Calvin et al. v. Jefferson County and by U.S. District Judge Ronald Lagueux in Davidson vs. City of Cranston.</p> <p>The proposed census residence criteria as they relate to prisoners has the unintended consequence of swelling the populations of those areas containing prisons. This, in turn, gives more influence to politicians who view prisons in their home areas as job generators, and push programs to increase the prison population.</p> <p>I urge this provision be modified for purposes of the U.S. Census.</p>
c00060	<p>Please count deployed service members according to where they actually live. Then the Bureau will receive more accurate reports of population and ensure communities have the needed resources to support these soldiers and their families.</p> <p>Thank you and God Bless.</p>
c00061	<p>I want to thank the Honorable Kentucky Senator Rand Paul for giving proper attention to the matter of the 2020 Decennial Census Residence Rule & Residence Situation. Also, thanks to the Honorable John H. Thompson and the Census Bureau for indicating they will make this common sense proposal a reality.</p> <p>A proper accounting for all military personnel and their Usual Residence will give each community consistency for their citizens. Being a Kentuckian, I'm interested in making certain my fellow Kentuckian's and all those who defend this great nation are credited with the proper residence designation.</p>

c00062	<p>Counting inmates as residents of prisons and detention centers violates Pennsylvania law, which states: A penal institution (including a halfway house) cannot be a residence address for registering to vote.</p> <p>It also violates the one person, one vote requirement of the U.S. Constitutions Fourteenth Amendment as was made clear this year by U.S. District Judge Mark E. Walker in Calvin et al. v. Jefferson County and by U.S. District Judge Ronald Lagueux in Davidson vs. City of Cranston.</p> <p>Miscounting of urban prisoners in the rural districts where most PA prisons are located swells the population base of those districts. It enhances the political clout of politicians who have strong incentive to support prison expansion and to enact policies that ensure continued mass incarceration. The practice distorts our democratic process and undermines government of, by and for the people.</p>
c00063	<p>As a resident of the state of Kentucky, I was appalled to learn that our Military who are serving overseas on assignment are not counted in the Census of bases such as Fort Campbell. Many leave family and homes behind who long for their return and maintain the residence. Our Military both active and reserve who are called up to duty away from their homes MUST be included in the Census count.</p>
c00064	<p>Counting inmates as residents of prisons and detention centers violates Pennsylvania law, which states: A penal institution (including a halfway house) cannot be a residence address for registering to vote.</p> <p>It also violates the one person, one vote requirement of the U.S. Constitutions Fourteenth Amendment as was made clear this year by U.S. District Judge Mark E. Walker in Calvin et al. v. Jefferson County and by U.S. District Judge Ronald Lagueux in Davidson vs. City of Cranston.</p> <p>Miscounting of urban prisoners in the rural districts where most PA prisons are located swells the population base of those districts. It enhances the political clout of politicians who have strong incentive to support prison expansion and to enact policies that ensure continued mass incarceration. The practice distorts our democratic process and undermines government of, by and for the people.</p>
c00065	<p>Prisoners should not be counted as permanent residents of the district where the prison is located. Most of them are serving limited sentences. Most prisons are in rural areas; many prisoners come from urban areas. Rural and urban area's needs are often district. Not allowing prisoners' votes to reflect their area's needs weakens the power of the prisoner's vote and violates the spirit of the one man, one vote decision.</p>
c00066	<p>I am highly opposed to designating a prisoner as a resident of his prison instead of as a resident of his previous address. Such a practice inflates the population and clout of the prison political area and therefore encourages the building of prisons. It also removes the prisoner from any contact with his home politics if and when he is free to take part in them.</p>
c00067	<p>I think it's ridiculous that the Census Bureau once again plans to count prison/detention facility inmates as residents of the location the prison/detention facility is located at. If the incarcerated individuals made the choice themselves to live in that location, as college students choose to live away from their homes, that would be a different story. But incarcerated individuals had no say in where they are housed.</p> <p>I fully support all the comments already made and listed in your "Proposed 2020 Census Residence Criteria and Residence Situations" report section B 1. Especially the fact that counting incarcerated individuals as you do violates the state of Pennsylvania laws.</p>

c00068	<p>I beg you to revise the current rule for counting prisoners. Prisoners should be counted in their home regions--NOT in that of the prison, where the representatives often profit from their incarceration. This is a clear conflict of interest and a violation of the constitution's 14th amendment, which guarantees "one person one vote." To count prisoners with those who profit from their incarceration is analogous to allowing slaveholders to claim representation according to the number of slaves they owned. That a disproportionate number of prisoners are black, while the prisons are often housed in white, rural districts, only makes the analogy more clear. Mass incarceration is not a problem that can be solved by the Census, but at the very least, the Census should not be used to further entrench it. I thank you in advance for considering my comment.</p>
c00069	<p>To support equal representation in the democratic process and prisoner rehabilitation and re-entry to their communities, I ask you to revise the Residence Rule to count incarcerated people as residents of their last home address before incarceration.</p> <p>Currently 1400 Hawaii prisoners are being counted as Arizona residents, affecting resources and voting district calculations for our communities. These Hawaii prisoners are in another state not by their own choice. When they've served their terms and return to Hawaii, their communities need to be equipped to serve them. Please revise the Residence Rule.</p>
c00070	<p>As a longtime residents of the Aloha State of Hawaii, we am concerned and dismayed to learn that prisoners who are from Hawaii but are forced to serve their sentences in for-profit prisoners on the mainland, will not be counted as part of their Hawaiian communities in the upcoming census.</p> <p>We implore you to revise the Residence Rule to include people who are incarcerated while conducting the census. These are the communities that they will return to after completing their sentences and we need to give the communities the resources and support they need to help our people reintegrate successfully.</p> <p>Thank you for your consideration of this not only quantitative matter but also one of moral and human rights imperatives to treat prisoners like human beings of worth and dignity in their communities, not just a throw-away population!</p>
c00071	<p>Current census practice counts 1400 Hawaii prisoners as Arizona residents affecting resources and voting district calculations for communities.</p> <p>These prisoners did not choose to go to another state and will return to Hawaii after their terms have been served. Their communities need to be equipped to serve them.</p> <p>To be fair, to support equal representation and to support prisoner re-entry into their communities, I ask you to Revise the Residence Rule to count incarcerated people as residents of their last home address prior to their incarceration.</p>
c00072	<p><i>This comment submission contains graphics that cannot be displayed in this table. It is available as Appendix Attachment c00072.</i></p>

	<p>Enclosed please find a resolution unanimously adopted by the Board of Supervisors of Prince George County, Virginia supporting the Census Bureau 's proposed 2020 Census Residence Rule 15 that counts incarcerated people as residents of the correctional facility where they have been assigned (Attachment A).</p> <p>Prince George County is located just south of the James River approximately 30 miles southeast of the City of Richmond metropolitan area. The County is a political subdivision of the Commonwealth of Virginia with no incorporated cities or towns within Prince George. Prince George provides a full-range of municipal services to its residents. Our population as of 2015 was estimated at 37,862 persons (Attachment B).</p> <p>There are two correctional facilities located entirely within Prince George County: the Federal Correctional Institution, Petersburg, which houses approximately 2,827 low- and medium-security convicted felons; and the Riverside Regional Jail, which houses approximately 1,552 persons, that includes misdemeanants from Prince George County and six other nearby localities as well as state inmates awaiting transit to state prisons. Many of the inmates at the federal facility have been sentenced to relatively long periods of incarceration. Counting these prisoners as part of Prince George County is logical, because the County is responsible for providing or assisting emergency response services for both facilities and has certain law enforcement responsibilities at the jail performed by our police department and Sheriff 's office. Moreover, family visitors to either facility travel on local roads and use local commercial services such as hotels and restaurants. Any other approach to counting inmates is likely to result in a national undercount because of the difficulty in tracking inmates in transit.</p> <p>For these reasons, the Prince George County Board of Supervisors has voiced its unanimous support for the proposed "2020 Census Residence Rule and Residence Situations" Rules 15(a) and 15 (b) for counting prisoners in both prisons and jails at the facilities in which they are incarcerated. By this letter, the County endorses these proposed Census rules and encourages the U.S. Census Bureau to adopt them as written.</p> <p>Thank you for your consideration of the County's position in this matter.</p>
c00073	<p>I disagree with the proposed changes to the census. It seems that the residence qualifications will be misrepresentative of the actual population distribution. Someone who is incarcerated should be counted with the community that they are from not where the prison is. These people should also not be counted toward redistricting since they are not allowed to vote.</p>
c00074	<p>I am writing in response to your June 30 federal register notice regarding the Residence Rule and Residence Situations.</p> <p>A lot of people from my community end up in prison, and it's not fair that they get counted as if they were residents of the prison town instead of at home with us. Giving our political power to people who want to lock up more of our community members just doesn't make sense.</p> <p>I am disappointed that you propose to conduct yet another inaccurate Census.</p>

	<p>Because I believe in a population count that accurately represents my community, I urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p>
c00075	<p>I am submitting this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 81 FR 42577 (June 30, 2016). The Bureau's proposal to continue counting incarcerated people at the particular facility that they happen to be located at on Census day ignores the transient and temporary nature of incarceration. If made final, this proposal will mean another decade of decisions based on a Census that counts incarcerated people in the wrong place.</p> <p>I am _____ the _____ School of Medicine in Chicago, Illinois. I have studied criminal justice issues for over twenty-five years. The question of <i>prison gerrymander</i> is critically important. The resolution of this issue will reflect directly on the state of democracy in the United States.</p> <p>The Census Bureau defines "usual residence" as the place where a person "eats and sleeps most of the time", but fails to follow that rule when counting incarcerated people. The majority of people incarcerated in Rhode Island, for example, spend less than 100 days in the state's correctional facilities. If the same people were instead spending 100 days in their summer residence, the Bureau would count them at their regular home address. Even students in boarding schools get counted at their home address whether or not they eat and sleep there most of the time. The Census Bureau continues to carve out an unexplained exception for incarcerated people in order to count them in the wrong place.</p> <p>The Bureau's failure to update its rules regarding incarcerated persons is particularly troubling given that the Bureau decided that other populations - deployed overseas military, and juveniles staying in residential treatment centers - should be counted in their home location even if they are sleeping elsewhere on Census Day. It made these changes even though there were far fewer public comments identifying these issues as causing the magnitude of problems that the public commentary on the prison miscount highlighted.</p> <p>The Census Bureau should honor the overwhelming consensus urging a change in the Census count for incarcerated persons. When the Bureau asked for public comment on its residence rules last year, 96% of the comments regarding residence rules for incarcerated persons urged the Bureau to count incarcerated persons at their home address, which is almost always their legal address. This level of consensus among stakeholders, which is based on a thorough understanding of the realities of modern incarceration, deserves far more consideration than it was given.</p> <p>As you know, American demographics and living situations have changed drastically in the two centuries since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation.</p> <p>The Census Bureau's practice of counting incarcerated people in the wrong place had relatively little impact on the overall accuracy of the Census while prison populations remained relatively low, but the growth in the prison population over the last few decades urgently requires the Census to update its methodology. The incarcerated population has more than quadrupled since the 1970's, and the manner in which this population is counted now has huge implications for the accuracy of the Census.</p>

	<p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just a few thousand Census blocks that are located far from the actual homes of incarcerated people. When this data is used for redistricting, it artificially inflates the political power of the areas where the prisons are located and dilutes the political power of all other urban and rural areas without large prisons. In New York after the 2000 Census, for example, seven state senate districts only met population requirements because the Census counted incarcerated people as if they were upstate residents. For this reason, New York State passed legislation to adjust the population data after the 2010 Census to count incarcerated people at home for redistricting purposes. Three other states (California, Delaware, and Maryland) are taking a similar state-wide approach, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts.</p> <p>Acknowledging the need to correct its own data to avoid prison gerrymandering, the Bureau has proposed to help states with the population adjustment. But this ad hoc approach is neither efficient nor universally implementable. Massachusetts legislators, for example, have already expressed concerns about that state's ability to use alternative data in their 2015 comment to the Bureau (comment numbered cl61).</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to follow the residence rule to count everyone in the right place. My organization believes that in order to produce an accurate 2020 Census, the Bureau must count incarcerated people at home.</p>
c00076	<p>Last month, the Federal Census Bureau failed to end prison-based gerrymandering.</p> <p>Prison-based gerrymandering threatens our democracy's commitment to fair representation and leads to certain districts becoming largely composed of voiceless individuals, since prisoners cannot vote in most states. As a result, the voters in these districts receive inflated representation, while the districts where the incarcerated people truly reside are underrepresented.</p> <p>According to Florida Common Cause State Board Chair Peter Butzin, in Florida's 4th District, 48% are incarcerated at the Calhoun Correctional Institution. As a result, Butzin stated, "the actual residents of District 4 are given almost twice as much political clout as people elsewhere in the county."</p> <p>Incarcerated people do not reside in these districts in any meaningful way. Recent research has also indicated that in states like Rhode Island, people stay incarcerated for an average of 100 days, which would otherwise not be considered a change in residency, but for the individual's imprisonment this is a double standard.</p> <p>The Census Bureau's rules concentrate a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people.</p>

	<p>This flawed demographic makeup disproportionately affects minorities. Prisons are typically located in rural, white districts, whereas incarcerated populations are disproportionately African American or Hispanic from urban areas - a reflection generally of disparities in the correction system's treatment between whites and people of color. For incarcerated peoples, this means that voters in their current districts do not reflect their demographics or interests.</p> <p>While many states believe prison-based gerrymandering is a very important issue and have taken measures to stop it, it is challenging without the assistance of the Federal Census Bureau. New York, for example, implemented a law to stop prison-based gerrymandering but faced numerous technical challenges, partisan opposition, and extreme delays in receiving data. Massachusetts tried to implement similar reforms, but found that they were prohibited from creating rules that were inconsistent with those of the Federal Bureau by their state constitution.</p> <p>As Allegra Chapman, Common Cause's Director of Voting and Elections, commented, "The reality is that most states adopt the Bureau's definition of "residence" when allocating individuals for redistricting purposes. An ad-hoc approach on how to apportion incarcerated persons is neither efficient nor fair; votes across districts, and across the country, should hold the same weight."</p> <p>Ending prison-based gerrymandering is vital to our democracy.</p>
c00077	<p>Please stop counting prison inmates as residents of the locality in which they are incarcerated.</p> <p>According to Pennsylvania law:</p> <p>for the purpose of determining residence, an inmate in a penal institution is deemed to reside where the individual was last registered to vote before being confined in the penal institution; or If the inmate was not registered to vote prior to confinement, the individual is deemed to reside at the last known address before confinement; or A new residence established while confined (for example, if the inmate's spouse establishes a new residence in which the inmate intends to reside upon his/her release from confinement).</p> <p>Counting inmates as residents of prisons and detention centers violates Pennsylvania law, which states: A penal institution (including a halfway house) cannot be a residence address for registering to vote.</p> <p>It also violates the one person, one vote requirement of the U.S. Constitution's Fourteenth Amendment as was made clear this year by U.S. District Judge Mark E. Walker in Calvin et al. v. Jefferson County and by U.S. District Judge Ronald Lagueux in Davidson vs. City of Cranston.</p> <p>Miscounting of urban prisoners in the rural districts where most PA prisons are located swells the population base of those districts. It</p>

	enhances the political clout of politicians who have strong incentive to support prison expansion and to enact policies that ensure continued mass incarceration. The practice distorts our democratic process and undermines government of, by and for the people.
c00078	<p>I am writing to provide comment and support for U.S. Census Bureau’s proposed “2020 Census Residence Rule and Residence Situations”.</p> <p>On behalf of the Christian County community, I show my support of the proposed new guidelines for counting of deployed military personnel in the upcoming 2020 Census. Under the proposal, U.S. military personnel who are deployed outside the U.S. on Census Day would be counted at the U.S. residence where they live and sleep most of the time. Counting deployed service members via this method will ensure that they are counted in the most advantageous and beneficial means for all communities.</p> <p>Military service members and their families are vital to the fabric of the communities in which they are stationed. Often, the communities surrounding a military installation work tirelessly to provide the best options, partnerships, and opportunities for their military neighbors. Our community here in Christian County, Kentucky, is no exception to that standard of excellence in service. In so many ways, Christian County has maintained a steadfast relationship—and partnership—with the Army, working to ensure our community is in tune with the quality of life needs and wishes of our soldiers and their families.</p> <p>The proposed method of counting service members who are deployed at the time of the 2020 Census will accurately show the economic impact that these service members have on the communities in which they work, play, and reside. Appropriate federal dollar funding can now be made available to these very communities, so that they may continue to provide quality of life services and opportunities.</p> <p>I pledge my continued support for economic prosperity and opportunities for the region in which Fort Campbell gains tremendous support. I thank you for your consideration of enacting what is best for our country’s military personnel, their families, and the communities that they call home.</p>
c00079	I urge the Census Bureau to reconsider the ruling about counting incarcerated persons as residents of their prison locations rather than of their home communities. PA law states, "the individual is deemed to reside at the last known address before confinement."
c00080	I understand that the U.S. Census Bureau has decided that it will continue to count prison inmates as residents of particular prison locations, rather than residents of the communities where they'd be living if they weren't in prison. While this may *sound* commonsensical, it has serious problems. Generally, prisoners don't live in a prison *forever*, and prison isn't a *home* in any meaningful sense of the word, so calling a prisoner a "resident" of a prison is much different than, say, calling college students residents of the town in which they're attending school. Also, two U.S. district judges have lately ruled that counting prisoners in this manner violates the 14th Amendment of the U.S. Constitution, because it forces folks from one Congressional district into another, and thus unfairly dilutes those districts' (and thus their citizens') political power. In states where felons can't vote, of course, this method of counting makes the problem even worse. On balance I disapprove of initiatives that heap additional punishments upon citizens, when their sentences are supposed to be their punishments, and I believe counting prisoners in this manner does that. Thank you for your time and attention.
c00081	I represent the _____ of Georgia and submit this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 81 FR 42577 (June 30, 2016). The Bureau's proposal to continue counting incarcerated people at

	<p>the particular facility that they happen to be located at on Census Day ignores the reality of incarceration: prisons are not a "usual residence".</p> <p>As an elected representative, I am keenly aware that democracy, at its core, rests on equal representation. And equal representation, in turn, rests on an accurate count of the nation's population.</p> <p>The reality is that when my constituents are incarcerated, they are often sent to prisons outside my district, but they still rely on me for representation. Over the course of their incarceration, the prison administration may move them between different prisons, located in many of the colleagues' districts, but they remain my constituents. Their home in my district remains their only stable, permanent, "usual" residence. Counting them as if they were residents of the facility where they happen to be held on Census day doesn't reflect the modern lived reality of our communities.</p> <p>I note that your proposed method of counting the incarcerated population is inconsistent with how you count other groups that eat and sleep in a location that is not their usual residence. For example, I note that your proposed rules will count boarding school students at their home address even if they spend most of their time at school. The same approach should be taken when counting incarcerated people.</p> <p>I am also concerned about the impact of your residence rules on racial justice in my state. Our state disproportionately incarcerates African-American or Latino people so when you count them in the wrong location, and that data is used for redistricting, it further undermines the political power of minority communities.</p> <p>Thank you for this opportunity to comment of the Residence Rule and Residence Situations as the Bureau strives to follow the residence rule to count everyone in the right place. I believe that in order to produce an accurate 2020 Census, the Bureau must count incarcerated people at home.</p>
c00082	<p>I wish to submit the following comment on the US Census Bureau's Residence Rule:</p> <p>The Census Bureau is wrong to consider incarcerated people as residents of the correctional facility because the effect of this policy is to strengthen the representative power of the locality in which the prison is located and decrease the representation of the home communities of those incarcerated. Since a disproportionate share of the prison population consists of people of color, this perpetuates a system of disenfranchisement of people of color. It artificially decreases the counted population of the home communities and shifts power away from these areas to the (usually rural, more white) areas where correctional facilities are often located. The effect is racist and plainly wrong.</p>
c00083	<p>Californians United for a Responsible Budget submits this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 81 FR 42577 (June 30, 2016). The Bureau's proposal to continue counting incarcerated people at the particular facility that they happen to be located at on Census day ignores the transient and temporary nature of incarceration. If made final, this proposal will mean another decade of decisions based on a Census that counts incarcerated people in the wrong place.</p>

	<p>CURB is a statewide coalition of more than 70 grassroots organizations working to stop prison and jail expansion, decrease incarceration, and invest in the social safety net in California. As advocates for decarceration, state spending on prisons and jails, and uplifting those affected by incarceration, we oppose prison gerrymandering.</p> <p>Counting incarcerated people as if they were residents of the facility where they happen to be located on Census day doesn't reflect the lived reality of our communities. The Bureau already counts students in boarding schools at their home address even if they spend most of their time at the school. The same approach should be taken when counting incarcerated people.</p> <p>The Census Bureau should honor the overwhelming consensus urging a change in the Census count for incarcerated persons. When the Bureau asked for public comment on its residence rules last year, 96 percent of the comments regarding residence rules for incarcerated persons urged the Bureau to count incarcerated persons at their home address, which is almost always their legal address. This level of consensus among stakeholders, which is based on a thorough understanding of the realities of modern incarceration, deserves far more consideration than it was given.</p> <p>As you know, American demographics and living situations have changed drastically in the two centuries since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. The country's exploding prison population requires the Bureau to adapt once again.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just a few thousand Census blocks that are located far from the actual homes of incarcerated people. When this data is used for redistricting, it artificially inflates the political power of the areas where the prisons are located and dilutes the political power of all other urban and rural areas without large prisons.</p> <p>Four states and over 200 individual counties and municipalities adjust Census population data to avoid prison gerrymandering when drawing their districts. Acknowledging the need to correct its own data to avoid prison gerrymandering, the Bureau has proposed to help states with the population adjustment. But this ad hoc approach is neither efficient nor universally implementable. Massachusetts legislators, for example, have already expressed concerns about that state's ability to use alternative data in their 2015 comment to the Bureau (comment numbered c0161).</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to follow the residence rule to count everyone in the right place. CURB believes that in order to produce an accurate 2020 Census, the Bureau must count incarcerated people at home.</p>
c00084	<p>The Campaign Legal Center and the Voting Rights Institute welcome the opportunity to submit this comment in response to the Census Bureau's federal register notice regarding the proposed 2020 Census Residence Rule and Residence Situations, 81 Fed. Reg. 42577 (June 30, 2016). The Campaign Legal Center and the Voting Rights Institute are disappointed that the Census Bureau has proposed to continue counting incarcerated people at the particular facility they happen to be located on Census Day, despite overwhelming consensus among</p>

public comments urging the Census Bureau to change course and count incarcerated people in their home communities. The proposed rule, if made final, discredits the Census as an accurate snapshot of our nation and limits its functionality as a tool to assess local demographics. Most importantly, it perpetuates distortions in our representative democracy, inflates the voting power of the few at the expense of the many, and imposes disproportionate representational harms on minority communities. The Campaign Legal Center and Voting Rights Institute urge the Census Bureau to reverse course, rescind the proposed rule, and count incarcerated people where they resided prior to their incarceration.

The Campaign Legal Center is a nonpartisan, nonprofit legal organization committed to improving our representative democracy and protecting the fundamental right of all Americans to participate in the political process. Through its redistricting and voting rights programs, CLC participates in state and federal litigation to ensure that all communities, and particularly minority communities, are afforded equal access to our democratic system. The Voting Rights Institute is a project of the American Constitution Society, Campaign Legal Center, and Georgetown University Law Center. It was founded in 2013 to protect the fundamental right to vote by training the next generation of voting rights attorneys and experts. Since 2013, it has held trainings in over a dozen cities nationwide for over 700 attorneys and law students. It also maintains a website that contains information about protecting the right to vote and a database of legal documents for approved voting rights attorneys.

At the center of the missions of both the Campaign Legal Center and the Voting Rights Institute is the right of all Americans to equal representation. The Supreme Court has long recognized this central premise of our democracy through its one-person, one-vote doctrine, which mandates that electoral districts have roughly equal population. The current proposal by the Census Bureau to count incarcerated people as artificial residents in the prison facility where they happen to be incarcerated on Census day rather in their home communities flies in the face of these basic democratic principles that our Constitution envisions.

1. The proposed rule erodes equality of representation for prisoners and other residents alike and allots unfair influence to a random assortment of constituents that live adjacent to prison facilities.

Every decade, state and local governments redraw thousands of state and local legislative districts in order to ensure that each legislative district contains the same total population and thus affords each member of the community equal representation. States almost exclusively rely on Census data in order to perform this vital democratic task.^{1/} For that reason and others, as the Census Bureau itself has explained, “it is crucial that people are counted in the right place.”^{2/} As the Supreme Court recently reaffirmed, this task of equalizing districts seeks to protect voters from unfair dilution of their vote *and* ensure equality of representation.^{3/} However, the Census Bureau’s practice of counting prisoners in the facility where they happen to be incarcerated on Census Day, rather than where they resided immediately prior to their incarceration, impedes both of these goals.

Since prisoners are ordinarily barred from voting^{4/}—and where they are permitted to vote do so in their home communities^{5/}—counting large prison populations in their adjacent districts, which are often in rural areas,^{6/} greatly inflates the power of the relatively small number eligible voters in those districts at the expense of *all other voters* in the state. The consequences are particularly stark at the local level

where districts are small and the incarcerated population sometimes accounts for more than half of the total population.^{7/} For example, after the 2000 Census, Lake County, Tennessee, drew a district “where 88% of the population [of the district] was not local residents, but incarcerated people” and therefore “every group of 3 residents in [the district had] as much say in county affairs as 25 residents in other districts.”^{8/} This simply does not accord with basic principles of fairness, equality of representation, or the constitutional demand of one-person, one-vote.

Prisoners are simply not members of the residential communities surrounding the facilities where they happened to be incarcerated on Census day. They are physically prohibited from interacting with the community, using the community’s public transportation, parks, libraries, and other public spaces and services, voting or even participating in public debates and forums. They are ordinarily not affected by local regulations or changes in policy. They do not choose to live in that community, build no enduring ties to the community and, in fact, can and often do move from facility to facility at the discretion of prison officials during their term of confinement. Members of the relevant communities do not consider the prisoners confined in adjacent facilities to be their “neighbors.” Unsurprisingly, for all of these reasons, officials representing these communities do not substantively represent these temporary visitors in their districts. When an Iowa city councilman, representing a district whose population was 96% inmates, was asked whether he considered those incarcerated individuals to be his constituents, he answered, “not really.”^{9/}

But this does not mean that prisoners do not have any community whatsoever. As a former Census Bureau Director Kenneth Prewitt has explained, the current policy of counting prisoners in the facilities they happen to be assigned to on Census Day “ignore[s] the reality of prison life. Incarcerated people have virtually no contact with the community surrounding the prison. Upon release the vast majority return to the community in which they lived prior to incarceration.”^{10/} Prisoners continue to be meaningful members of their home communities and are entitled to equal representation there. They have children, spouses, families, and homes where they resided prior to their confinement and where they are almost certain to return after their confinement. Recognizing this reality, nearly every state has a constitutional provision or statute providing that an individual’s legal residence does not change as a result of incarceration.^{11/} Prisoners who are eligible to vote do so in their home communities.^{12/} Even as nonvoters, they “have an important stake in many policy debates”^{13/} in their home communities and counting them there will ensure their “equitable and effective representation.”^{14/} Counting them elsewhere deprives them individually and their communities of adequate representation.

2. The proposed rule’s democratic harms fall heavily and unevenly on minority communities.

While the distortions of prison gerrymandering were relatively minor when our prison population was small, drastic changes in the incarceration population in the United States in the past forty years have severely magnified the democratic harms it imposes. Over that time period, the incarceration population has increased by 500%.^{15/} Today, there are 2.2 million people in our nation’s prisons and jails.^{16/}

Moreover, the drastic increase in incarceration is not evenly distributed across our communities. Our prison and jail population is overwhelmingly black and brown. While people of color make up only 37% of our nation’s population, they comprise 67% of our prison

population.^{17/} Black men are six times more likely to be incarcerated as white men and Hispanic men are more than twice as likely to be incarcerated as non-Hispanic white men.^{18/} As a result of these disparities, the home communities of prisoners are typically urban minority communities.^{19/} However, prisons are disproportionately located in rural, primarily white, communities.^{20/} In 2010, by counting prisoners as residents of their prison cells, the Census displaced a population that is disproportionately male, urban, and Black or Latino and concentrated them into just 5,393 census blocks far from their homes, both physically and demographically.^{21/} For example, in Illinois, sixty percent of incarcerated people are from Chicago but 99% of those individuals were counted outside of Cook County (Chicago).^{22/} This pattern holds throughout much of the nation. The upshot is that the Census Bureau's rule of counting prisoners where they are confined on Census day systematically diminishes the political representation of urban minority communities and unjustifiably shifts that political power to rural white communities.^{23/}

3. The proposed rule diminishes the Census's usefulness as a demographic tool.

The Census provides some of the most reliable demographic data about our nation available. Researchers, policy makers, and analysts rely on this data to provide easily accessible and accurate information about our states and localities. But the Census's continued choice to count prisoners in the wrong place distorts its data and provides an inaccurate picture of many of our communities. It suggests that many otherwise homogenous counties and localities with a prison facility are far more racially and ethnically diverse than they actually are. In 2010, there were 161 counties where incarcerated Black individuals outnumbered non-incarcerated Black individuals.^{24/} The distorted picture created by counting prisoners in the wrong places causes an informational harm that is unnecessary and problematic for all those who seek to rely on Census data to understand local community dynamics.

4. The concept of "usual residence" does not demand this illogical and unjust rule.

In response to the Census Bureau's request for public comment on its residence rules last year, 96 percent of the comments regarding residence rules for incarcerated persons urged the Bureau to count incarcerated persons at their home address for all of the reasons stated above. Nonetheless, the proposed rule is to maintain the Bureau's misguided practice of counting prisoners in the wrong place on the basis of the concept of "usual residence." The Bureau's response states: "[U]sual residence is defined as the place where a person lives and sleeps most of the time, which is not always the same as their legal residence, voting residence, or where they prefer to be counted. Therefore, counting prisoners anywhere other than the facility would violate the concept of usual residence, since the majority of people in prisons live and sleep most of the time at the prison."^{25/}

However, it is simply not true that the amorphous concept of "usual residence" requires this harmful result. First, there is nothing "usual" about the inherently time-limited period an incarcerated individual spends confined in a government facility. Except for the fact of their incarceration, which disrupts their "usual" lives, most prisoners live and sleep in their home communities.

The Census Bureau's determination that the prison facility an individual is confined in on Census day best represents where incarcerated individuals live and sleep "most of the time" ignores many key considerations. First, the rule broadly covers short and long-term

incarcerated individuals alike. The rule covers local jails where the average length of stay nationwide is well under thirty days^{26/} and many in the confinement population stay less than forty-eight hours. Even for those in state and federal prisons, the median length of stay in prison is approximately sixteen months,^{27/} far less than the ten years that the Census will count that individual as being away from his home. Of course, many prisoners only spend a few months in prison and yet will be miscounted for the rest of the decade. In Rhode Island, for example, the majority of prisoners spend less than 100 days in a correctional facility. If these prisoners were spending this time at a summer residence rather than a correctional facility, they would be counted at their regular home address. There is no reason why the Census should treat them unequally because they happen to be in prison. Second, even for those prisoners who spend long periods of time in correctional facilities, there is no guarantee those prisoners will live in any particular facility throughout that time period. Many prisoners will be moved among facilities throughout their period of confinement. Therefore, the only stable long-term address where prisoners will definitely spend most of their time living and sleeping is their home address where they will live and sleep before and after their period of confinement (which will ordinarily be shorter than the decennial census period).

Finally, the Census Bureau has also deviated from the “usual residence” rule in other circumstances where it does not appropriately reflect an individual’s community. Most notably, the Census already counts boarding school students living away from their parental home while attending boarding school below college level at their parental home rather than their boarding school. Boarding school students interact with their surrounding community at boarding school far more than prisoners interact with the surrounding community of their confinement facility. Boarding school students are also likely to reside at the same school for far longer than the average prisoner at any given correctional facility. Yet the Census counts students at their parental home because of “the likelihood that they would return to their parents’ residence when they are not attending their boarding school (*e.g.*, weekends, summer/winter breaks, and when they stop attending the school.)”^{28/} The reasons for this departure in the boarding school context apply with far greater force in the prisoner context, especially given the democratic and equality costs the current rule exacts. Therefore, to the extent that counting prisoners at their homes occasionally requires a departure from the “usual residence” rule, the precedent of the Census’s counting of boarding school students allows for such a minor departure in order to more accurately reflect the location of prisoners’ community ties and long-term residential patterns.

5. The Census Bureau’s alternative proposal to provide states and localities with alternative data is insufficient to remedy these harms.

Rather than simply counting prisoners in their home communities, the Census Bureau has proposed that it will provide the necessary data to states that wish “to ‘move’ their prisoner population back to the prisoners’ pre-incarceration addresses for redistricting and other purposes.”^{29/} However, this proposal is insufficient to remedy the democratic harms the current proposed rule imposes.

First, the Census Bureau’s decision to continue counting prisoners in the facility they are confined in on Census Day suggests to states and localities that this is a proper accounting of those prisoners’ residences, when it assuredly is not. Given the close tie between the Census, apportionment, and redistricting, the proposed rule undoubtedly reinforces the false perception that it is proper and acceptable to count prisoners in this manner for the purposes of redistricting despite the violence it does to the one-person, one-vote principle and the

fundamental concept of equal representation. This not only perpetuates the democratic harms described above; it also exposes states and localities to potential legal liability. There have already been successful Equal Protection challenges to prison gerrymandering in federal district courts in Jefferson County, Florida and Cranston, Rhode Island.^{30/}

The suggestion that some states might want “to ‘move’ their prison population” and the Census Bureau will aid them in doing so itself suggests that states and localities counting prisoners in their home communities are the outlier actors. And indeed, they are. While four states and more than 200 localities have taken the commendable affirmative step of ensuring that prisoners are counted in the right place,^{31/} most states and localities do not. Moreover, some states legally cannot make these changes without a change to the underlying flawed Census data. The State of Massachusetts has informed the Census Bureau that its state constitution does not allow it to adjust the Census data in order to count prisoners in the right place and thus urged the Census to make this commonsense change.^{32/} Finally, the proposed rule also unnecessarily places additional burdens on states seeking to count prisoners in the right place. This burden is exacerbated in those states whose laws require them to redistrict in odd-numbered years and therefore must redistrict immediately after the Census is released. The burden, in any event, should be on the Census Bureau to provide accurate data in the first instance about the nation’s residents.

Thank you for this opportunity to comment on the Residence Rule and Residence Situations. As the Bureau strives to count everyone in the right place, it must afford prisoners the same right to be counted in their communities as it does other individuals who happen to be away from their homes on Census Day. In order to ensure a just and accurate 2020 Census, the Campaign Legal Center and the Voting Rights Institute strongly urge you to reverse course and count incarcerated people at home.

1/ See *Evenwel v. Abbott*, No. 14-940, 578 U.S. ___, slip op. at 4 (Apr. 4, 2016).

2/ 81 Fed. Reg. 42577 (June 30, 2016).

3/ *Evenwel*, slip op. at 16.

4/ See Sentencing Project, *Felony Disenfranchisement: A Primer* (May 10, 2016), <http://www.sentencingproject.org/publications/felony-disenfranchisement-a-primer/>

5/ Dale E. Ho, *Captive Constituents: Prison-Based Gerrymandering and the Current Redistricting Cycle*, 22 *Stan. L. & Pol’y Rev.* 355, 366 (2011).

6/ *Id.* at 362 (noting that “[r]ural communities make up only about 20% of the U.S. population, but an estimated 40% of all incarcerated persons are held in facilities located in rural areas”).

7/ See Peter Wagner, *Breaking the Census: Redistricting in an Era of Mass Incarceration*, 38 *William Mitchell L. Rev.* 1241, 1245-46.

8/ *Id.* at 1245 (quoting Peter Wagner & Aleks Kajstura, *Prison-Based Gerrymandering in Tennessee Counties*, *Prison Pol’y Initiative* (Sept. 26, 2011)).

9/ Sam Roberst, *Census Bureau’s Counting of Prisoners Benefits Some Rural Voting Districts*, *N.Y. Times*, Oct. 23, 2008, http://www.nytimes.com/2008/10/24/us/politics/24census.html?_r=0.

10/ Kenneth Prewitt, *Forward to Patricia Allard & Kristen D. Levingston, Accuracy Counts: Incarcerated People and the Census i* (2004), *available at* http://www.brennancenter.org/sites/default/files/legacy/d/RV4_AccuracyCounts.pdf

11/ Ho, *supra* note 5, at 364.

12/ *Id.* at 366.

13/ *Evenwel*, slip op. at 18.

14/ *Id.* at 19.

	<p>15/ Sentencing Project, Fact Sheet: Trends in U.S. Corrections (2015), http://sentencingproject.org/wp-content/uploads/2016/01/Trends-in-US-Corrections.pdf.</p> <p>16/ <i>Id.</i></p> <p>17/ <i>Id.</i></p> <p>18/ Sentencing Project, Criminal Justice Facts, http://www.sentencingproject.org/criminal-justice-facts/.</p> <p>19/ Ho, <i>supra</i> note 5, at 361-62.</p> <p>20/ <i>Id.</i></p> <p>21/ Prison Pol’y Initiative, Detailed demographics of correctional populations now available for nation (Sept. 13, 2011), http://www.prisonersofthecensus.org/news/2011/09/13/sf1/.</p> <p>22/ Rose Heyer & Peter Wagner, Too Big to Ignore: How Counting People in Prisons Distorted Census 2000 (Apr. 2004), http://www.prisonersofthecensus.org/toobig/.</p> <p>23/ See Lani Guinier & Gerald Torres, <i>The Miner’s Canary: Enlisting Race, Resisting Power, and Transforming Democracy</i> 189-190 (2002) (“The strategic placement of prisons in predominantly white rural districts often means that these districts gain more political representation based on the disenfranchised people in prison, while the inner-city communities these prisoners come from suffer a proportionate loss of political power and representation.”).</p> <p>24/ Prison Pol’y Initiative, <i>The Racial Geography of Mass Incarceration</i>, http://www.prisonpolicy.org/racialgeography/report.html.</p> <p>25/ 81 Fed. Reg. 42578. 26 See Vera Inst. for Justice, <i>Incarceration’s Front Door: The Misuse of Jails in America</i> at 10 (2015) http://www.vera.org/sites/default/files/resources/downloads/incarcerations-front-door-report.pdf.</p> <p>26 See Vera Inst. for Justice, <i>Incarceration’s Front Door: The Misuse of Jails in America</i> at 10 (2015) http://www.vera.org/sites/default/files/resources/downloads/incarcerations-front-door-report.pdf.</p> <p>27 Catie Clark, et al., Fla. Dep’t of Corrections & Fla. State Univ. College of Criminology & Crim. Justice, <i>Assessing the Impact of Post-Release Community Supervision on Post-Release Recidivism and Employment</i> (2015), https://www.ncjrs.gov/pdffiles1/nij/grants/249844.pdf (noting that in 2009 the median time served in prison for all offenses in the United States was 16 months); see also Ho, <i>supra</i> note 5, at 373 (noting that the median time served in prison in 2002 was 17 months).</p> <p>28 81 Fed. Reg. 42580.</p> <p>29 81 Fed. Reg. 24578.</p> <p>30 See <i>Calvin v. Jefferson County Board of Commissioners</i>, No. 4:15-cv-131 (N.D. Fla. Mar. 19, 2016); <i>Davidson v. City of Cranston</i>, No. 14-91L (D. R.I. May 24, 2016).</p> <p>31 Prison Pol’y Initiative, <i>Prison Gerrymandering Project: Solutions</i>, http://www.prisonersofthecensus.org/solutions.html.</p> <p>32 See Massachusetts General Court Resolution “Urging the Census Bureau to Provide Redistricting Data that Counts Prisoners in a Manner Consistent with the Principles of ‘One Person, One Vote’” (Adopted by the Senate on July 31, 2014, and the House of Representatives on August 14, 2014).</p>
c00085	<p>As _____ the City of Jacksonville, North Carolina, I am writing to support the proposed rule change regarding the census count of military personnel who are deployed. The City of Jacksonville is the home of Camp Lejeune and New River Air Station with an active duty military population of over 50,000 personnel. As you can appreciate, troops are deployed in various numbers and for various lengths of service.</p> <p>The proposed rule of interest is relative to counting of these deployed military personnel. It states:</p>

	<p>U.S. Military personnel who are deployed outside the U.S. (while stationed in the U.S.) and are living on or off a military installation outside the U.S. on Census Day shall be counted at the U.S. residence where they live and sleep most of the time, using administrative data provided by the Department of Defense.</p> <p>The City of Jacksonville supports this proposed rule change. Undercounting military personnel due to deployment has resulted in the loss of substantial revenue from federal and state sources to the City of Jacksonville. I believe that this proposed rule will correct that error.</p> <p>Thank you for your consideration.</p>
c00086	<p>Commenting in response to the Census Bureau’s Federal Register notice regarding the Residence Rule and Residence Situations, 81 FR 42577 (June 30, 2016).</p> <p>The Bureau’s proposal to continue counting incarcerated people at the facility in which they are housed on Census Day ignores the transient and temporary nature of incarceration. It also is inconsistent with other changes included in the same set of proposed residence criteria for the 2020 Census. If made final, this proposal will lead to another decade of vital policy decisions based on a census that counts incarcerated people in the wrong place. Therefore, I urge you to count incarcerated people as members of the community from which they come and not as members of the community in which they are incarcerated on Census Day.</p> <p>American demographics and living situations have changed dramatically over the more than two centuries since the first census in 1790. Census methods and operations have evolved in response to many of these changes, in order to continue to provide an accurate portrait of the nation, its people, and its communities. But despite significant changes in the location and composition of the incarcerated population, especially over the last several decades, the policy governing the enumeration of incarcerated persons has not similarly evolved to reflect these consequential shifts in the relationship between the location of incarcerated persons on Census Day and their “usual residence.”</p> <p>The Census Bureau’s decision to maintain the status quo ignores overwhelming public comments in favor of an updated policy that recognizes the temporal nature of most incarcerations. Moreover, the proposed method of counting the incarcerated population is inconsistent with how the Census Bureau counts other groups that eat and sleep in a location that is not their usual residence. Finally, the policy that the Census Bureau is proposing to retain will result in census counts that skew the distribution of political representation and our very understanding of the composition and well-being of communities across America, for an entire decade following the census.</p> <p>The Census Bureau’s Proposal is against the Weight of Public Consensus</p> <p>The Census Bureau blatantly ignored the overwhelming consensus urging a change in the census count for incarcerated persons. When the Bureau asked for public comment on its residence rules last year, 96 percent of the comments regarding residence rules for incarcerated persons urged the Bureau to count incarcerated persons at their home address, which is almost always their legal address. This level of consensus among stakeholders, which is based on a thorough understanding of the realities of an incarceration system that regularly shuffles incarcerated people between facilities, deserves far more consideration than it was given.</p>

The Census Bureau's Proposal Treats Similarly-Situated Populations Inconsistently and Fails to Recognize the Range of Factors that Often Influence the Criteria Governing Different Situations

It is important to recognize and acknowledge that the concept of "usual residence" established by the Census Act of 1790 has not been consistently applied, through time and across living situations. While the Census Bureau notes in its proposed 2020 Census Residence Criteria that usual residence "is not necessarily the same as a person's voting residence or legal residence," former Census Director John G. Keane, in testimony before Congress in 1988, added that it is also not necessarily "where a person is found on Census Day" (emphasis added).^{I/}

Equally important is the concept of "enduring ties," which the U.S. Supreme Court referenced in its opinion in *Franklin v. Massachusetts II/*, a case that unsuccessfully challenged the Census Bureau's decision to count military personnel serving overseas in the 1990 Census for purposes of congressional apportionment. The majority opinion in *Franklin* noted that the concept of usual residence "has been used broadly enough to include some element of allegiance or enduring tie to a place."

The Census Bureau's decision with respect to incarcerated persons is especially troubling in light of its concurrent decision to change the rule governing where it will count deployed military personnel who are stationed or assigned to a U.S. base. Under the Bureau's proposal, deployed service members will be counted at their home address (usual residence) in the U.S., even if they live and sleep elsewhere for most of the time at the time the census is conducted. Like most incarcerated persons, these service members are away from their homes temporarily; the average length of deployments can vary greatly from decade to decade, depending on U.S. engagement in theaters of military conflict overseas. In its summary of comments on the proposed Residence Criteria for the military overseas, the Census Bureau cites concerns about the need for accurate data to support funding, planning, and services in military communities, but is dismissive of similar arguments regarding an accurate portrait of communities that most incarcerated persons consider to be their usual home and to which most will return following their temporary confinement.

Changing one policy, but not the other, illuminates a glaring inconsistency in the proposed 2020 Census Residence Rules that the Census Bureau has not adequately explained.

The Census Bureau's Proposal Will Reduce the Accuracy of Data and Result in Vote Dilution

Failure to count incarcerated persons at their home address preserves an unacceptably discriminatory census result that deprives underserved urban neighborhoods of fair representation, while shifting political power to communities that do not represent the interests of incarcerated persons or their families. Because African-Americans and Latinos are disproportionately incarcerated, ^{III/} counting

	<p>incarcerated people in the wrong location is particularly bad for proper representation of African-American and Latino communities. Thus, predominantly African American and Latino communities will continue to be hit especially hard by an outdated policy that renders so many of their young men invisible for all statistical purposes.</p> <p>The proposed counting rules will perpetuate the distortion of democracy that results from padding the population counts of communities with prisons. When state and local officials use the Census Bureau’s prison count data attributing “residence” to the prison, they give extra representation to the communities that host the prisons and dilute the representation of everyone else. This vote dilution is particularly extreme for urban communities and communities of color that have disproportionately high rates of incarceration.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place, to reflect enormous demographic shifts, changes in the prison infrastructure, and the urgent needs of communities.</p> <hr/> <p>I/ Testimony of Dr. John G. Keane, Director, Bureau of the Census, before the House Subcommittee on Census and Population, “Census Residence Rules: Military Personnel Abroad,” April 18, 1988 (Serial No. 100-49). II/ 505 U.S. 788 (1992). III/ According to Prison Policy Initiative’s analysis of 2010 Census data, Blacks are incarcerated at 5 times the rate of non-Hispanic Whites, and Latinos are incarcerated at a rate almost two times higher than non-Hispanic Whites. Comments of Prison Policy Initiative, regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015), dated July 20, 2015.</p>
c00087	<p>Introduction</p> <p>During the 2010 Census deployed military were counted at their home of record rather than from the bases and host communities where they lived. Family members were to be counted at their homes on or in the communities around the bases, but many families incorrectly assumed the guidance applied also to them, and did not complete Census documents reflecting their status.</p> <p>For the State of North Carolina, thousands of service members were enumerated at locations that had little to do with them, and for the host communities around the bases, the loss of an accurate count resulted in perceptions of a poor economy, reduced revenues based on population and a much reduced base count on which a decade of estimates are now based.</p> <p>The City participated in discussions with Census officials, worked with the State Census Liaison and let others know of the impact to the City. On June 30, 2016, a notice of proposed rulemaking was issued with a request for comments that would count deployed military at their usual US residence.</p> <p>The City of Jacksonville welcomes this proposed rule and applauds those involved with the proposal. The impact could return thousands of troops to the count and will allow the host communities to be more accurately represented in the Census.</p> <p>However, because of the confusion by family members and their status, the City believes that Census outreach should help inform family members of those deployed about the count, and that they should complete Census forms when presented to them.</p>

Proposed Rule of Interest to Our Community

The City of Jacksonville is particularly interested in the proposed rule below:

(f) U.S. military personnel who are deployed outside the U.S. (while stationed in the U.S.) and are living on or off a military installation outside the U.S. on Census Day—Counted at the U.S. residence where they live and sleep most of the time, using administrative data provided by the Department of Defense.

<http://www.federalregister.gov/a/2016-15372/p-127>

Response

The 2010 Census did not count persons deployed as being within the communities where their families were. The City of Jacksonville believes the proposed rule will largely solve this problem. Officials who have worked with the Department of Defense data in the past

have indicated to the City that this task can be accomplished in a fashion that will match the regular count of troops assigned aboard the bases around Jacksonville.

We believe that this rule is consistent with the application of the “business traveler” rule as the military are still assigned to bases, but are temporarily working in another area.

Concern

While the City praises this action, we ask that the Census outreach programs around communities that have deployed military, include specific instructions to family members about their count in the Census. During 2010, the Complete Count Committee heard many family members indicate they believed their guidance to not count their deployed member, applied to them. Further, they were even more confused believing that completing the Census document would affect a residency status that they used for their tax status. Many military service members maintain a residency through the Sailors and Soldiers act that they use to select the state to which they want to pay taxes.

During the 2010 Census, the City helped to pay for billboards and publications that targeted family members to ask them to fill out the Census forms. This specific population is difficult to communicate with outside of the official military commands and our efforts were not as effective as we desired. In that the proposed rule would engage administrators within the Department of Defense, persons who were counted using this provision could have communication made to their families that they should fill out their own Census documents. For the Marine Corps, some of the most effective communication to this group is through the Family Readiness Officers who work with the families of deployed persons.

Thank You

The City of Jacksonville applauds this proposed rule and encourages its adoption.

c00088	<p>I represent the residents of _____ in the New York State _____ and submit this comment in response to the Census Bureau’s federal register notice regarding the Residence Rule and Residence Situations, 81FR 42577 (June 30, 2016). The Bureau’s proposal to continue counting incarcerated people at the particular facility that they happen to be located at on Census Day ignores the reality of incarceration: prisons are not a “usual residence”.</p> <p>As an elected representative, I am keenly aware that democracy, at its core, rests on equal representation. And equal representation, in turn, rests on an accurate count of the nation’s population. I hope that the Census Bureau will reconsider its proposal and give consideration to the comments that were submitted, including mine, in response to your federal register notice about the 2010 Census residence rule and situations last year.</p> <p>The reality is that when my constituents are incarcerated, they are often sent to prisons outside my district, but they still rely on me for representation. Over the course of their incarceration, the prison administration may move them between different prisons, located in many of my colleagues’ districts, but they remain my constituents. Their home in my district remains their only stable, permanent, “usual” residence. Counting them as if they were residents of the facility where they happen to be held on Census day doesn’t reflect the modern lived reality of our communities.</p> <p>Fortunately, in 2010 we passed the New York Prison Gerrymandering Bill which allows for the use of Department of Corrections data to identify the home addresses of incarcerated people to correct Census data and requires state and county governments to count incarcerated people at their home addresses when drawing legislature districts. While I am proud to be part of the handful of states leading the way to end prison gerrymandering, I also understand that it is still necessary to change the way the Census Bureau counts incarcerated individuals. We currently must take extra measures to ensure fair political representation in our state and it would be helpful if the Bureau counted incarcerated people at their homes to begin with.</p> <p>I note that your proposed method of counting the incarcerated population is inconsistent with how you count other groups that eat and sleep in a location that is not their usual residence. For example, I note that your proposed rules will count boarding school students at their home address even if they spend most of their time at the school. The same approach should be taken when counting incarcerated people.</p> <p>I am also concerned about the impact of your residence rules on racial justice in my state. Our state disproportionately incarcerates African-American or Latino people so when you count them in the wrong location, and that data is used for redistricting, it further undermines the political power of minority communities.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to follow the residence rule to count everyone in the right place. I believe that in order to produce an accurate 2020 Census, the Bureau must count incarcerated people at home.</p>
c00089	<p>American Friends Service Committee- Arizona (AFSC Arizona) respectfully submits this comment in response to the Census Bureau’s federal register notice regarding the Residence Rule and Residence Situations, 81 FR 42577 (June 30, 2016). This proposal to continue to</p>

incorrectly count all incarcerated people as permanent residents of a correctional facility is not only discriminatory but also creates unequal representation.

AFSC Arizona, a non-profit organization working for justice and human rights, has been central to promoting a reconciliation and healing approach to criminal justice issues. The leading organization in Arizona on criminal justice issues, AFSC combines advocacy for incarcerated people and their families with statewide policy change to document and improve prison conditions while working to reduce the number of people incarcerated in Arizona. In short, because of our strong commitment to change conditions for incarcerated people, their families, and their communities, we stand in strong opposition to the Bureau's proposal.

AFSC Arizona believes the proposal is discriminatory.

According to the definition of "usual residence," the Census Bureau claims a person resides where he/she "eats and sleeps most of the time." The average length of stay for an inmate in Arizona is 25 months¹. Twenty-five months does not necessarily equal a permanent residence. In those same 25 months, a student might be eating and sleeping at an out-of-state university. A member of the military could also be eating and sleeping on a military base. A young person participating in civil service projects might be eating and sleeping in various states throughout the country. However, these specific situations allow for certain persons to claim their home as their "usual residence" for the Census.

We believe a person in a correctional facility should also be allowed to follow that rule. If the purpose of a Census is to collect accurate data, we must allow *everyone* to use their regular home address, regardless of where they are staying, on Census Day.

This proposal is also discriminatory because it reduces the accuracy of the data about communities of color. As of 2010, the majority of all prisoners in Arizona's correctional facilities are Latino² and African-Americans make up the majority of persons in all areas of the criminal justice system in Arizona³. Statistics show that African-American and Latinos are disproportionately incarcerated, so inaccurately counting them at a correctional facility as their "usual residence," is a disservice to African-American and Latino communities.

AFSC Arizona believes the proposal creates unequal representation.

Arizona has the 6th highest incarceration rate in the nation. Here, the majority of correctional facilities, 13 of 16, are located in rural communities. However, 60 percent of people admitted to prison in Arizona live in the Phoenix-Mesa area⁴. Rural communities suffer under the current counting rules because local districting plans were distorted by incarcerated populations that have no real nexus to the locations where they are counted as residents.

	<p>This, in effect, is population distortion and prison-based gerrymandering. While the practice of political gerrymandering is frowned upon because of its possible violations of the Constitution and, to a lesser extent, the Voting Rights Act, the practice of prison based gerrymandering is often overlooked. An equal representation of population is one of the criterion state use to draw their political boundaries. However, for those districts with an unusually high prison population, this process does not allow for equal representation of thousands of citizens who are inaccurately counted.</p> <p>Prison-based gerrymandering allows for a misrepresentation of a state or local government’s true constituency. The principle of “one person, one vote” is severely skewed when states and municipalities are forced to use census data. We diminish our ideal of representative democracy when we count thousands of mostly urban, minority people in correctional facilities that is not their primary residence.</p> <p>Both of these issues are prevalent in one Arizona county where the majority of correctional facilities exist: Pinal County. A largely rural county south of the Phoenix metro area and north of the Tucson metro area, Pinal County has become a haven for both state and federal, public and private institutions. According to the Census Bureau, Pinal County’s population as of July 1, 2015 was 375,770⁵. With 6.7% of that population categorized as “population in correctional facilities for adults⁵.”</p> <p>¹ https://csgjusticecenter.org/wp-content/uploads/2012/12/Arizona_1-pager_v4.pdf ² http://www.prisonpolicy.org/profiles/AZ.html ³ http://www.prisonpolicy.org/profiles/AZ.html ⁴ https://csgjusticecenter.org/wp-content/uploads/2012/12/Arizona_1-pager_v4.pdf ⁵ http://www.census.gov/quickfacts/table/PST045215/04021 ⁶ http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC_10_SF2_PCO3&prodType=table</p>
c00090	<p>Current census practice counts 1400 Hawaii prisoners as Arizona residents affecting resources and voting district calculations for our communities.</p> <p>These Hawaii prisoners are in another state not at all of their own choosing. When their terms have been served, these people will return to Hawaii, where their communities need to be equipped to serve them.</p> <p>To be fair, to support equal representation in the democratic process, and to support prisoner rehabilitation and re-entry to their communities, I sincerely ask you to Revise the Residence Rule to count incarcerated people as residents of their last home address before incarceration.</p> <p>I trust you to do the right thing - not just the easiest thing.</p>
c00091	<p>Legal Services for Prisoners with Children submits this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 81 FR 42577 (J u ne 30, 2016). We strongly oppose the decision to count incarcerated people in the prison town instead of their home towns. The census is not just an accounting of people with no purpose or use for those numbers; academics, policy makers, the government, business owners, community organizers and others use these numbers as proxies to</p>

determine how many resources to allocate to certain areas, the types of development needed, and the economic viability of certain enterprises to be used. By counting people who can not leave the prison and who continue to rely on the resources and support of their families in their home cities, as being in the prison-town, the census will be inaccurate for the actual goals it seeks to meet. This failure has racial and economic implications for low income communities of color that disproportionately support incarcerated family members without the added resources or recognition from the census upon which the government allocations of money and electoral **power are based.**

Founded in 1978, LSPC enjoys a long history advocating for the civil and human rights of people in prison, their loved ones, and the broader community. We believe that the escalation of tough-on-crime policies over the past three decades has not made us safer. We believe that in order to build truly safe and healthy communities we must ensure that all people have access to adequate housing, quality health care and education, healthy food, meaningful work, and the ability to fully participate in the democratic process, regard less of their involvement with the criminal justice system.

Incarcerated people are not isolated individuals. They come from families-- they are mothers, fathers, sons and daughters. They have sisters and brothers. Their incarceration impacts their families. These relationships influence their lives while inside as well as their success upon release. Maintaining strong family relationships during incarceration benefits everyone. When a person is incarcerated, the family pays for the additional care and support that the incarcerated person needs. They buy the stamps, extra paper, and care packages in their communities to be mailed to the prison. Just like parents of a child in boarding school or the family of a deployed soldier. The economic benefits; use of governmental resources such as schools, libraries, or roads; and community connections are all in that person's home town, not in the prison-town.

The town where the prison is does not supply those resources. Incarcerated people are not driving on the roads, going to the movies, or using local services or programs. They are trapped in a prison 24 hours a day. They are not a part of that community. Counting people away from their families because of prison makes the same amount of sense as counting people away from their families because of military deployment: none.

Counting incarcerated people as if they were residents of the facility where they happen to be located on Census day doesn't reflect the lived reality of our communities. The vast majority of prisons in California are in rural, primarily white areas of the state; however, most incarcerated people are from diverse, coastal, urban areas of the state. Their families remain in those cities. Their families' support and efforts to care for them remain in those cities. The economic and civic engagement that the census counts only happens in the home communities, not in the prison **town.**

The Bureau already counts students in boarding schools at their home address even if they spend most of their time at the school. The same approach should be taken when counting incarcerated people. The Census Bureau should honor the overwhelming consensus urging a change in the Census count for incarcerated persons. When the Bureau asked for public comment on its residence rules last year, 96% of the comments regarding residence rules for incarcerated persons urged the Bureau to count incarcerated persons at their home address,

	<p>which is almost always their legal address. This level of consensus among stakeholders, which is based on a thorough understanding of the realities of modern incarceration, deserves far more consideration than it was given.</p> <p>As you know, American demographics and living situations have changed drastically in the two centuries since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. The country's exploding prison population requires the Bureau to adapt once again, because while this was a small problem before, it is now a much larger problem with much wider implications.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just a few thousand Census blocks that are located far from the actual homes of incarcerated people. When this data is used for redistricting or governmental allocations, it artificially inflates the electoral power of the areas where the prisons are located and dilutes that of all other urban and rural areas without large prisons, particularly those communities where people are disproportionately .</p> <p>Four states and over 200 individual counties and municipalities adjust Census population data to avoid prison gerrymandering when drawing their districts. Acknowledging the need to correct its own data to avoid prison gerrymandering, the Bureau has proposed to help states with the population adjustment. But this ad hoc approach is neither efficient nor universally implementable. Massachusetts legislators, for example, have already expressed concerns about that state's ability to use alternative data in their 2015 comment to the Bureau (comment numbered c0161).</p> <p>The Bureau's proposal to continue counting incarcerated people at the particular facility that they happen to be located at on Census day ignores the transient and temporary nature of incarceration. If made final, this proposal will mean another decade of decisions based on a Census that counts incarcerated people in the wrong place.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to follow the residence rule to count everyone in the right place. LSPC believes that in order to produce an accurate 2020 Census, the Bureau must count incarcerated people at home.</p>
c00092	<p>The Southern Center for Human Rights (SCHR) submits this comment in response to the Census Bureau's Federal Register Notice regarding the Residence Rule and Residence Situations, 81 FR 42577 (June 30, 2016).</p> <p>The Southern Center for Human Rights (SCHR) is a nonprofit law firm based in Atlanta, Georgia, dedicated to providing legal representation to people facing the death penalty, challenging human rights violations in prisons and jails, seeking through litigation and advocacy to improve legal representation for poor people accused of crimes, and advocating for criminal justice reform on behalf of those affected by the system in the Southern United States.</p>

	<p>In the course of carrying out our work, it has become increasingly clear that it is imperative to end prison gerrymandering so that we may ensure equal representation throughout Georgia. SCHR urges you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.</p> <p>According to the Georgia Department of Corrections, the average person in the state prison system has been transferred 4 times and the median time they spent at the current facility is just 9 months.¹ The data makes it clear that the most prison populations are transient. After being shuffled throughout a number of facilities over the course of their incarceration, people return to the communities where they have enduring ties, and that's where they should be counted--at home.</p> <p>The Bureau's failure to update its rules regarding incarcerated persons is particularly troubling given that the Bureau has decided that other populations--deployed overseas military and juveniles staying in residential treatment centers -- should be counted in their home location. Georgia has one of the highest incarceration rates in the United States, currently imprisoning more than 1 person for each group of 200 people. Counting them in the wrong place is not an error that can be overlooked. There are significant differences between the places that most incarcerated individuals come from and the places where they are imprisoned. For example, an analysis by the Department of Corrections found more people in Georgia prisons come from Atlanta zip code 30318 than any other of the 965 zip codes in state. The Census refusal to count our residents at home negatively impacts our communities.</p> <p>Thank you for this opportunity to comment on the proposed Residence Rule and Residence Situations. We urge the Bureau to acknowledge the transient nature of modern incarceration and to count incarcerated people as residents of their home address.</p> <p>¹ <i>Inmate Statistical Profile</i>, pages 35 and 39, Georgia Department of Corrections, (July 1, 2016), available at http://www.dcor.state.ga.us/sites/all/themes/gdc/pdf/Profile_all_inmates_2016_06.pdf</p>
c00093	Same content as comment c00005
c00094	Same content as comment c00005
c00095	Same content as comment c00005
c00096	Same content as comment c00005
c00097	Same content as comment c00005
c00098	<p>The National Community Development Association (NCDA) is pleased to submit comments on the above referenced document. NCDA represents over 400 local governments consisting of a wide range of communities – small, mid-sized, and large jurisdictions – which administer federal community development, economic development, and affordable housing programs, most important among them, the Community Development Block Grant (CDBG) Program which relies on a fair and sound Census count to ensure an accurate population total. Population is one of the key formula factors used by HUD to allocate CDBG funding nationally, so it is crucial that the 2020 Census count <i>all</i> people. For the low-income people served by the CDBG program, it is important that where people are counted aligns with where they will need to receive services so that resources can be targeted to where the service impacts will occur.</p>

	<p>With that being said, NCDA agrees with the definition of “usual residence” outlined in the Residence Rule as the place where a person lives and sleeps most of the time. We also agree with how the Census Bureau has applied the Residence Rule to the 19 designated categories listed in Section D of the above referenced document. We also agree with the decision in the Resident Rule that people who do not have a usual residence, or who cannot determine a usual residence, are counted where they are on Census Day and further concur that people in certain types of group facilities on Census Day are counted at the group facility.</p> <p>Along with a clear definition of the Residence Rule and residence situations, it is of utmost importance for the Census Bureau to ensure a full count of the Nation’s population. While this may be beyond the scope of the purpose of the above referenced document, NCDA and its members urge the Census Bureau to take the necessary steps to develop a robust Census that captures everyone and to design a campaign that focuses additional outreach efforts on non-English speaking neighborhoods and communities. Some suggestions include working with local government and community leaders to reach these populations, mounting a strong advertising effort using local non-English speaking media outlets, and hiring additional Census workers to canvass these neighborhoods (working in conjunction with local community organizations, religious institutions, and leaders). NCDA would be happy to work with the Census Bureau to develop efforts to reach non-English speaking populations.</p> <p>Thank you for the opportunity to comment on this document.</p>
c00099	<p>Franciscan Action Network (FAN) submits this comment in response to the Census Bureau’s federal register notice regarding the Residence Rule and Residence Situations, 81 FR 42577 (June 30, 2016). Your proposal to continue counting incarcerated people at the particular facility that they happen to be located at on Census day ignores the overwhelming public input on the need to change how incarcerated persons will be counted. If made final, this proposal will mean another decade of decisions based on a Census that counts incarcerated people in the wrong place.</p> <p>FAN is very devoted to racial and ethnic justice. During the 2010 Census, the policy of counting incarcerated people at prison facilities disproportionately concentrated African-American and Latino urban men into just 5,393 Census blocks located far from their actual residences simply because of their incarcerated status on a single date of the year.</p> <p>The Census Bureau defines “usual residence” as the place where a person “eats and sleeps most of the time”, but fails to follow that rule when counting incarcerated people. The majority of people incarcerated in Rhode Island, for example, spend less than 100 days in the state’s correctional facilities. If the same people were instead spending 100 days in their summer residence, the Bureau would count them at their regular home address. Even students in boarding schools get counted at their home address whether or not they eat and sleep there most of the time. The Census Bureau continues to carve out an unexplained exception for incarcerated people in order to count them in the wrong place.</p> <p>The Bureau’s failure to update its rules regarding incarcerated persons is particularly misguided given that the Bureau decided that other populations – deployed overseas military, and juveniles staying in residential treatment centers – should be counted in their home location</p>

even if they are sleeping elsewhere on Census Day. It made these changes even though there were far fewer public comments identifying these issues as causing the magnitude of problems that the public commentary on the prison miscount highlighted.

The Census Bureau blatantly ignored the overwhelming consensus urging a change in the Census count for incarcerated persons. When the Bureau asked for public comment on its residence rules last year, 96% of the comments regarding residence rules for incarcerated persons urged the Bureau to count incarcerated persons at their home address, which is almost always their legal address. The Census Bureau has simply disregarded the public input through its proposal to count incarcerated people as if they were residents of correctional facilities.

As you know, American demographics and living situations have changed drastically in the two centuries since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation.

The Census Bureau's practice of counting incarcerated people in the wrong place had relatively little impact on the overall accuracy of the Census while prison populations remained relatively low, but the growth in the prison population over the last few decades urgently requires the Census to update its methodology. The incarcerated population has more than quadrupled since the 1970's, and the manner in which this population is counted now has huge implications for the accuracy of the Census.

By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just a few thousand Census blocks that are located far from the actual homes of incarcerated people. When this data is used for redistricting, it artificially inflates the political power of the areas where the prisons are located and dilutes the political power of all other urban and rural areas without large prisons. In New York after the 2000 Census, for example, seven state senate districts only met population requirements because the Census counted incarcerated people as if they were upstate residents. For this reason, New York State passed legislation to adjust the population data after the 2010 Census to count incarcerated people at home for redistricting purposes. Three other states (California, Delaware, and Maryland) are taking a similar state-wide approach, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts.

Acknowledging the need to correct its own data to avoid prison gerrymandering, the Bureau has proposed to help states with the population adjustment. But this ad hoc approach is neither efficient nor universally implementable. Massachusetts legislators, for example, have already expressed concerns about that state's ability to use alternative data in their 2015 comment to the Bureau (comment numbered c0161).

Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to follow the residence rule to count everyone in the right place. My organization believes that in order to produce an accurate 2020 Census, the Bureau must count incarcerated people at home.

c00100

Same content as comment c00005

c00101	<p>International Citizens United for Rehabilitation of Errants (CURE) and its state and issue chapters submit this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 81 FR 42577 (June 30, 2016). We find the Bureau 's proposal to continue counting incarcerated people at the particular facility that they happen to be located at on Census day at odds with the transient and temporary nature of incarceration. We write to share some of our experiences as an organization that has both incarcerated and formerly incarcerated members to better illustrate how incorrect it is to conclude that an incarcerated person resides at the facility they happen to be at on Census day.</p> <p>International CURE is a grassroots organization dedicated to the reduction of crime through the reform of the criminal justice system (especially prison reform). Although we are now an international organization, we were founded in Texas in 1972 and our U.S. National and state chapters remain at the core of our mission. We've been doing prison organizing for over 40 years, and as part of that work we send out two mailings a year. And every time we get a lot of the letters back as undeliverable--the person has been moved since the last mailing.</p> <p>Every single one of these letters is tangible proof of the unpredictable and constant shuffle that incarcerated people experience at the mercy of the prison administrators. You see, a prison is much like Grand Central Station. Sure, at any given time there are a lot of people there, but every single one of them has just pulled in or is on their way home.</p> <p>While people on the outside may move from time to time, they tend to stay long enough in a place to put down some roots and call it home. But when someone goes to prison, there isn't really a specific facility that becomes someone's new home. Your home is always the place you left and will soon return to. Your home remains the place where your family, your friends, and your community are. To say that someone resides at the facility where they happen to be located on Census day flagrantly ignores the realities of prison life.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place. We write to you in earnest on behalf of and in conjunction with our chapters because we are concerned about the U.S. Census Bureau 's role, however unintentional it might be, in tilting the U.S. electoral system in favor of those who support mass incarceration and against those who seek a just criminal justice system. We urge you to count incarcerated people as residents of their home address in the decennial census.</p>
c00102	<p>Thank you for this opportunity to respond to the Census Bureau's Notice seeking comments on the Bureau's proposed 2020 Census Residence Rule and Residence Situations (81 FR 42577, June 30, 2016). I urge the Bureau to change the method it uses to count the prison population due to the impact it has on voter representation and on the mission to protect voting rights, ensure fair and equal representation, and promote accurate redistricting.</p> <p>In 2015, in response to the Census Bureau's request for comments on its interpretation of its "usual residence" rule, the Bureau received 156 comments, asking the Bureau to change its interpretation of how the residence rule applies to prisoners and to count them at their home or pre-incarceration</p>

addresses. Six comments opposed changing the rule. It is difficult to understand why the great weight of those comments in favor of changing the rule did not persuade the Bureau to change its approach with respect to prisoner counts.

The Bureau created the “usual residence” rule through administrative interpretation of the Census Act of 1790. While a few changes have been made to those rules since that time in order to keep up with the changing demographics of America, the rule to count prisoners where they are incarcerated, not at their home residences, has remained unchanged over the last centuries.

Doubtless in 1790 when citizens were less mobile, these terms in the statute, “usual place of abode,” “settled place of residence ...in any family,” and “every person occasionally absent at the time of the enumeration, as belonging to that place in which he usually resides in the United States,” meant one’s home location. Back in 1790, this rule made sense because there were few prisoners and they were imprisoned and punished in their home locations. Since 1980, however, the prison population has quadrupled and, prisoners are now typically incarcerated in rural areas far from home. This change in circumstances and failure to change the residence rule in the context of today’s imprisonment practices results in prison gerrymandering, granting greater representation to rural areas that contain prisons and, hence, unequal representation for residents in districts that contain no prisons (both urban and rural). It is time for the Census Bureau to update its interpretation of the people in prison on Census day.

In this proposed rule, when the Bureau does make a change in its interpretation of the “usual residence” rules, it appears to lean heavily on how long individuals are away from home. For example, military now *deployed* overseas will be counted at their home addresses. Other military *stationed or assigned* overseas will be counted as previously in their “home of record” state for apportionment purposes only. Residents of juvenile group homes are counted at the group home location because they are there for long periods of time while juveniles in residential treatment centers will be counted at their home locations because the Census Bureau believes individual stays are relatively short.

A factual survey about prisoner time served at each prison nationwide might reveal that vast numbers of prisoners serve two years or less. In Virginia, the median time served in state prison for someone released in 2014 was 19.5 months. But even while they were in state custody they were likely to have been moved between different facilities, making the time spent at any given facility much shorter. We don’t have that data available for Virginia, but in New York, for example, the median length of stay in any given facility is about seven months and in Rhode Island it is under 100 days. Length of stay does not appear to support the Bureau’s reasoning for continuing to count prisoners at their prison locations where typical prisoner time served can be shorter than deployments overseas.

Also of concern in this proposed rule is that the Census Bureau leaves it up to the states individually to decide whether to include their own prisoner population counts when they redistrict. If states decide they want to exclude prisoner counts when they redistrict, states must either do the calculations themselves or submit a data file to the Census Bureau (indicating where each prisoner is incarcerated on Census Day and their pre-incarceration address) in a specified format. The Census Bureau will review the submitted file and then, if it includes the necessary data, provide a product that contains supplemental information the state can use to construct alternative, within-state tabulations for its own purposes. But even with this proposed solution states still cannot, as a practical matter, account for all of their residents who may be in other states' prisons or in a federal facility. It is not clear why the Census Bureau does not use its statutory authority (to collect accurate census data) to ask states simply to do that.

Some localities in Virginia at town, city, and county levels have chosen to exclude their prisoner counts on occasion when making redistricting decisions. Six counties have adjusted their Census data and did not include prisoner counts when drawing their supervisors' districts. Eighteen other counties in Virginia used Census data and included prison populations when drawing their supervisors' districts. Such individual decision-making only adds to a lack of uniformity within states and among states, leading to inaccuracy in the way prisoners are treated for redistricting purposes.

This is a problem in rural communities that contain large prisons because it seriously distorts redistricting at the local level (county commissions, city councils, and school boards). The Constitutional principle of one person, one vote should not be a county by county or state by state issue. It is a federal issue about representational equality.

Already four states (Maryland, New York, California and Delaware) now count prisoners at their home locations for redistricting purposes; other states do not. Two recent court decisions in Rhode Island and Florida have held that counting prisoners at prisons in districts for local redistricting purposes as if those prisoners are eligible voters violates the Constitution's one person, one vote principle. Here are links to the two decisions: http://www.prisonersofthecensus.org/Calvin_v_Jefferson-Order.pdf; <http://riaclu.org/images/uploads/Davidson.v.Cranston.decision.pdf>. Cranston is now on appeal. These cases make it more likely that other challenges to using Census data will follow if the Bureau does not change the way it counts incarcerated people. The Bureau's proposed rules lead to greater uncertainty as states redistrict in 2021.

Under its statutory authority to collect accurate census data, the Census Bureau can ask states and the

	<p>federal Bureau of Prisons to submit a data file, indicating where each prisoner is incarcerated on Census Day and prisoner’s pre-incarceration address. I ask the Census Bureau to exercise that authority in order to conduct an accurate Census.</p> <p>Continuing to count prisoners at their places of incarceration makes it more likely than not that states will continue to count prisoners in districts where they should not be counted, resulting in impermissibly unequal representation in districts that do not contain prisons. Failing to interpret “usual residence” to reflect today’s vastly changed circumstances promotes the likelihood that more federal courts will hold that the Bureau’s failure to update its residence rules results in state redistricting plans that violate the Constitution.</p> <p>Therefore, I urge the Census Bureau to change the “usual residence” rules for the 2020 Census so that prisoners are counted at their pre-arrest home jurisdiction. Fairness in voting power will result and will prevent constitutional violations of the one person, one vote requirement.</p>
c00103	<p>I believe it is inaccurate to count prison inmates as residents of the community where the prison is located. The prison towns that support many of the prisons should not be given undue power by means of artificially increasing their populations by counting prisoners. This skews the apportionment of House of Representative seats so that tiny communities are overrepresented.</p>
c00104	<p>Section D.15, D.16 and D.17 should be changed so that in some or all cases people in correctional institutions and halfway houses be counted as at their residence outside of those facilities. This prevents prison gerrymandering, is logical, is the international standard and is more fair.</p> <p>OECD guidelines recommend that people in correctional institutions be counted at the facility only if they are scheduled to be there for a long duration, which is defined as at least 12 months. See: http://www.oecd.org/statistics/OECD-Guidelines-for-Micro-Statistics-on-Household-Wealth-AnnexE.pdf . Canada, opting for a shorter deadline, chooses six months: http://www.census.gc.ca/ccr16g/ccr16g_000-eng.html . Choosing an international standard would help with comparisons with other countries.</p> <p>Someone who spends two days in jail, because they can't post bail, and 363 days at home should not be counted at the jail for census purposes. Such a reading is arbitrary and capricious, and disproportionately affects people with low income and low access to and knowledge of the criminal justice system, which also means it disproportionately affects minorities, which could be a violation of civil rights legislation including the Civil Rights Act of 1964 and the Voting Rights Act of 1965. Highland Springs, Virginia has about 3 black adult men for every 5 adult women because such a large portion of the black male population is serving short sentences in jails outside the area.</p>
c00105	<p>The proposal to count incarcerated people in the district of their incarceration, and not their original district of residency, is profoundly unjust. This counting location would multiply the social, economic, and political inequalities of the US criminal justice system and violate the principle of equal representation.</p>

	<p>Incarcerated people leave a gaping economic and social void in the community from which they are taken, often leaving behind family members and other dependents, as well as the marginal municipal and county costs of infrastructure that do not decline when individuals vanish. Conversely, the district to which the incarcerated person is transferred does not incur any marginal costs, and in fact often enjoys (and lobbies for) the payroll, vendor, and other revenues associated with prisons. Transferring the effective, Census-counted location of an incarcerated person exacerbates this economic and social injustice.</p> <p>Moreover, the political preferences and interests of the districts with the highest rate of arrest and incarceration are often diametrically opposed to those of districts with prisons. Therefore, counting the incarcerated persons in the prison's district unjustly transfers political power to the latter district. The injustice is magnified by the inability of the incarcerated person to actually vote, an arrangement that recalls the sordid original counting arrangements of American democracy, in which non-voters could be counted for the political benefit of their owners.</p>
c00106	<p>The Maryland State Conference of NAACP Branches, the Somerset County Branch of the NAACP (together, “the NAACP”) and the American Civil Liberties Union of Maryland (“the ACLU-MD”) submit this comment in response to the Census Bureau’s Federal Register notice regarding the Residence Rule and Specific Residence Situations, 81 FR 42577 (June 30, 2016). We reiterate our concerns, first expressed last year in a July 17, 2015 submission, over the Census Bureau’s proposal to continue counting people at their place of incarceration instead of their last place of residence.</p> <p>Counting incarcerated people at the facility where they happen to be imprisoned on Census day ignores the temporary nature of incarceration. Every year, approximately 636,000 inmates leave prison and 11 million inmates leaves jails to return to their homes to become ordinary citizens of their communities.^{1/} Moreover, with the recent focus by states on prison reform, new legislation will likely lead to even shorter incarceration periods. For example, in Maryland, the passage of the Justice Reinvestment Act eliminates mandatory minimum sentences for many offenses and limits the incarceration periods for many technical violations.^{2/} In light of the temporary nature of incarceration, the Census Bureau’s proposed rule fails to follow the definition of “usual residence” as the place where a person “eats and sleeps most of the time.” Children at boarding school, soldiers deployed overseas, and juveniles in treatment centers are all counted at their permanent addresses, not the place that they are located on Census day. There is no reason why prison inmates should be the exception to this general rule and the existence of such an exception without an explanation is extremely troubling.</p> <p>Our experience with this issue in Maryland is a testament to the detrimental effect that the current proposed rule can have in undermining equal representation for minority residents. The NAACP and the ACLU-MD are committed to preserving all citizens’ right to be equally represented in the electoral system, and we have worked to make that promise a reality in our own state. Somerset County, on Maryland’s Eastern Shore, has long been one of the state’s most racially-divided communities, with a sad history that includes lynchings, formal opposition to school integration through the 1960s, and court-ordered reforms to racially discriminatory election and employment practices into the 1980s and 1990s.^{3/}</p>

At the time of the last U.S. Census, Somerset County was 42 percent African American—the highest ratio of blacks to whites in any Eastern Shore County.^{4/} Yet, despite Somerset’s demographic diversity, blacks have historically been left virtually unrepresented in County government.^{5/} Indeed, until 2010, no black person had ever been elected or appointed—in all of the County’s 350-year history—to any top County office, including County Commissioner, County Administrator, Sheriff, Detention Center Warden, Judge, State’s Attorney, State Delegate, County Treasurer, County Finance Director, County Attorney, County Personnel Director, County Planning Director, County Fire Marshall, County Emergency Management Director or County Elections Administrator, among others.^{6/} The situation persisted even though the historically black University of Maryland, Eastern Shore (“UMES”), located within the county, graduates many candidates qualified for government jobs and offices.

In 2008 and 2009, the NAACP and ACLU-MD began to understand that part of the reason African Americans had remained shut out of Somerset government for so long related to what is now known as “prison-based gerrymandering.” Because the County is rural and relatively sparsely populated, the inclusion for redistricting purposes of the large prison population temporarily at Eastern Correctional Institution (“ECI”) severely undermined the racial fairness of the local election system.

Due to a Voting Rights Act challenge to the County’s at-large election system in the mid-1980s, the County switched to a system of five single-member districts to elect its County Commission. The County planned one district as a remedial district with a majority black population, but by the time that district was established, ECI had opened. ECI’s mostly minority inmates were counted as residents of the so-called remedial district, even though they were ineligible to vote in Somerset elections. The prison’s inclusion distorted the district’s voting power, because only a small share of those counted in the district were actually eligible to vote, and an even smaller share of those eligible to vote were African American. As such, the district could not and did not function as a true remedial district, and for two decades consistently elected white officials to represent the “minority” district. Moreover, because inmates significantly outnumbered other district residents, their inclusion in the redistricting database led to over-representation of non-prison residents within that district, as compared to residents in other districts that did not include a prison.

In 2009 and 2010, the NAACP and ACLU-MD partnered with community leaders to challenge this system. Together, they advocated with local Somerset officials, the Maryland Attorney General, and the Maryland General Assembly for exclusion of the prison population from the redistricting database. In 2010, as a result of this advocacy, the Maryland legislature became the first in the nation to adopt a law mandating that prisoners be counted at their place of last residence, rather than their place of incarceration.^{7/} This simple change finally gave meaning to the voting rights remedy put in place by Somerset County in 1986 and paved the way for greater participation by minorities in Somerset County’s local government. In fact, the County’s first black County Commissioner, Rev. Craig Mathies, was elected shortly after the law was enacted. Furthermore, Somerset’s 2012 redistricting plan includes two districts with majority minority populations, better reflecting the demographics of the community and enhancing minority electoral opportunities within the County.

The story of Somerset County illustrates one adverse collateral consequence that can follow from the dramatic growth of our nation’s prison population over the past few decades: a reduction in the suitability of current Census counts for use in redistricting. As recently as

the 1980s, the incarcerated population in the U.S. totaled less than half a million.^{8/} But since then, the number of incarcerated people has more than quadrupled, to over two million people behind bars.^{9/} This change implicates a need for corresponding change in application of the Census’s “usual residence” rule with respect to incarcerated persons, to ensure that redistricting decisions and remedies count populations accurately and promote electoral fairness for all.

By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people.^{10/} Although Maryland (along with California, Delaware, New York, and over 200 counties and municipalities) has approved a measure to adjust the Census’ population totals to count incarcerated people at home, this *ad hoc* approach is neither efficient nor universally feasible. For example, the Massachusetts state legislature concluded that the state constitution did not allow it to pass similar legislation, so it sent the Bureau a resolution in 2014 urging the Bureau to tabulate incarcerated persons at their home addresses.^{11/}

Thank you for this opportunity to comment on the Residence Rule and Specific Residence Situations. Given that prison is merely a temporary form of shelter, and from our experiences in Somerset County, the Maryland State Conference of NAACP Branches, the Somerset County Branch of the NAACP and the ACLU of Maryland reiterate our deep concern about the proposed regulation and urge the U.S. Census Bureau to count incarcerated people as residents of their last home addresses in order to produce a fair and accurate 2020 Census.

1/ Prison Policy Initiative, “Mass Incarceration: The Whole Pie 2016” (Mar. 14, 2016), available at <http://www.prisonpolicy.org/reports/pie2016.html>.

2/ General Assembly of Maryland, “Justice Reinvestment Act” (June 3, 2016), available at <http://mgaleg.maryland.gov/webmga/frnMain.aspx?id=sb1005&stab=01&pid=billpage&tab=subject3&ys=2016rs>

3/ See ACLU of Maryland and Somerset County NAACP, “Semper Eadem—‘Always the Same’?” at 5 (2009), available at http://www.aclumd.org/uploaded_files/0000/0348/finalreportwapp.pdf [hereafter “Report”].

4/ See U.S. CENSUS, “2010 Census Interactive Population Map,” available at <http://www.census.gov/2010census/popmap/>. According to the 2010 U.S. Census, Somerset County is 53.53% white and 42.28% black; the only parts of Maryland with a higher percentage of black residents are Prince George’s County and Baltimore City.

5/ See Report, *supra* note 1, at 4. At the time of the Report, African Americans represented 35 percent of Somerset County’s available labor force, but only 12.6 percent of County employees.

6/ See *id.* at 2–3. Indeed, according to EEO filings at that time, not a single African American was employed by the County in a professional capacity. The County employed 46 people full or part time that year in official, professional, technical or paraprofessional positions, but none was African American.

7/ Md. Code, State Gov’t § 2–2A–01 (2015).

8/ See U.S. Department of Justice, Bureau of Justice Statistics, “Historical Corrections Statistics in the United States, 1850–1984” at Table 4–1 (December 1986), available at <http://www.bjs.gov/content/pub/pdf/hcsus5084.pdf>.

9/ See U.S. Department of Justice, Bureau of Justice Statistics, “Correctional Populations in the United States, 2012” at Table 2 (December 2013), available at <http://www.bjs.gov/content/pub/pdf/cpus12.pdf>.

	<p>10/ See Prisoners of the Census, "Detailed demographics of correctional populations now available for nation" (Sept. 13, 2011), available at http://www.prisonersofthecensus.org/news/2011/09/13/sf1/.</p> <p>11/ See The Massachusetts General Court Resolution "Urging the Census Bureau to Provide Redistricting Data that Counts Prisoners in a Manner Consistent with the Principles of 'One Person, One Vote'" (adopted by the Senate on July 31, 2014 and the House of Representatives on August 14, 2014).</p>
c00107	<p>I disagree with this proposed residence rule. These people will tell you first hand that prison is not their home! These inmates are transported from prison to prison. I myself was incarcerated for 10 months and moved to 2 prisons within that time. This is injustice at it's greatest. The American government is pure foolishness!</p>
c00108	<p>Legally, counting inmates as residents of prisons and detention centers violates the one person, one vote requirement of the U.S. Constitution's Fourteenth Amendment as was made clear this year by U.S. District Judge Mark E. Walker in Calvin et al. v. Jefferson County (United States District Court for the Northern District of Florida) and by U.S. District Judge Ronald Lagueux in Davidson vs. City of Cranston (United States District Court for the District of Rhode Island).</p> <p>Practically, in Pennsylvania approximately 50% of the state prisoner population is from Philadelphia County, while almost all of the 25 state prisons are located in rural counties. Many of those prisons were located in those rural counties due to efforts by local politicians to create jobs for their constituents. Counting those prisoners in the rural districts where most Pennsylvania prisons are located swells the population base of those districts. It enhances the political clout of politicians who have strong incentive to support prison expansion and to enact policies that ensure continued mass incarceration.</p> <p>Prisoners should be counted as residents of their home communities, not where they are imprisoned.</p>
c00109	<p>I was shocked and horrified to learn that states have counted incarcerated individuals as residents in their current locations when drawing district lines for state and congressional representation.</p> <p>This practice violates common sense, basic fairness, and Pennsylvania state law. PA law states that jail inmates are required to vote in their home districts - not in districts in which they are currently being held.</p> <p>PA law also states that incarcerated individuals "shall be deemed to reside at the last known address before confinement." (Pennsylvania Election Code (25 Pa.C.S. §1302(3)))</p> <p>Counting inmates in districts where they are incarcerated gives disproportionate political power to rural, under-populated, areas, where prisons are located, at the expense of urban, densely populated areas, where the majority of prisoners formerly resided.</p> <p>The concept of equal protection of the laws is enshrined in the U.S. Constitution in the 14th amendment. The concept of "one person one vote" has been consistently upheld by the U.S. Supreme Court. The practice of prison gerrymandering is anathema to the equitable exercise of the franchise - a citizen's most basic right.</p> <p>The Census Bureau has the opportunity to right this wrong in 2020. In the name of the American values of justice and equality, I</p>

	urge the Bureau to end prison gerrymandering.
c00110	<p>Miscounting prisoners distorts democracy. Counting inmates as residents of prisons and detention centers violates Pennsylvania law, which states: A penal institution (including a halfway house) cannot be a residence address for registering to vote.</p> <p>It also violates the one person, one vote requirement of the U.S. Constitutions Fourteenth Amendment as was made clear this year by U.S. District Judge Mark E. Walker in Calvin et al. v. Jefferson County and by U.S. District Judge Ronald Lagueux in Davidson vs. City of Cranston.</p> <p>Miscounting of urban prisoners in the rural districts where most PA prisons are located swells the population base of those districts. It enhances the political clout of politicians who have strong incentive to support prison expansion and to enact policies that ensure continued mass incarceration. The practice distorts our democratic process and undermines government of, by and for the people. Even providing alternative information to states allows the party in power to ignore this alternative information and use the main census data to their advantage.</p>
c00111	<p>PA is so unfairly gerrymandered that more Pennsylvanians voted for Obama 2012 than Romney, yet we sent an twice as many Republicans than Democratic ones as U.S. representatives to Congress. What's wrong with this picture?</p> <p>Rural districts have far too much power over urban districts. This is just one immoral expression of our ugly racist legacy.</p> <p>One problem is the way we count prisoners. Since many prisons are in rural areas, the prisoners inside them are counted as rural citizens, yet, because of our unjust system that puts away more people of color than white people, the prisoners are from urban areas.</p> <p>This is injustice on top of injustice. Besides, prisoners don't even vote, do they?</p>
c00112	I am writing with concern and regard to Jacksonville, NC's population count. It appears we are not counting all of our locally stationed Marines/Service Members and their dependents. Do you have more information and/or can we get this changed to properly reflect our true population numbers?
c00113	Counting inmates housed at a correctional facility is insane. They don't have voting privileges to begin with and with the federal system, that I retired from, most inmates don't stay at the same facility for over 5 years. The other reason this is wrong at this time, the Bureau of Prisons release policy states "Inmates must be released to the same district they were sentenced in". Which is another aspect that should be changed; because we're sending these felons back to the same place they committed their crimes, same environment.
c00114	I request you do count those incarcerated as being prison residents. These are human beings who had lives at their

	last known address. Use that address for census purposes. They being warehoused is just temporary.
c00115	<ul style="list-style-type: none"> • The Census Bureau is wrong to consider incarcerated people as residents of the correctional facility because these rules punish a prisoner for all time. When a prisoner has done their time and leaves the prison which is not their home, it will be stated in the census for all time that they (lived) in prison. This is punitive forever punishment. • My husband is in prison in a rural part of Washington state. There are 2500 other prisoners in this prison. The census will incorrectly put them as residents. They are not willingly there. They do not live there. They are transient. Mass incarceration will make the census incorrect as it has been for many decades. This needs to stop. Our democracy demands it. • Thank you for your time on this matter.
c00116	<p>I would like to make the following suggestion re the 2020 US Census population rule-count: As a former prisoner of the federal BOP from 1990-to-2010, I was incarcerated in over a dozen different prisons in seven different states. All of these sites were chosen by the prison system, not myself. They were always determined by the prison AND THE LOCAL COMMUNITIES as temporary residences.</p> <p>By my own intention as well as the determination of the prison administration, my prison file always contained a MANDATORY LISTING OF MY HOME ADDRESS (from which I was initially incarcerated and to which I was expected to return). In fact, that home address determines how far a prisoner can be incarcerated from his/her home.</p> <p>Even if I wished to relocate to the communities in which I am incarcerated, they virtually all have local ordinances forbidding a prisoner remain more than a set limit--say, 2-hrs--from which we are required to depart under penalty of arrest and prosecution.</p> <p>I have always been an active political individual in my local community affairs. Counting me as a residence in another Congressional District both improperly enhances representation in that temporary area and DEPRIVES MY HOME AREA OF ITS PROPER REPRESENTATION.</p> <p>Please count prisoners, like out-of-area students and other travelers, from their home residence, NOT THEIR TEMPORARY ONE. Thank you for your consideration.</p>
c00117	In regards to proposed 2020 census rules, I am writing in hopes that you'll consider my concerns as a resident of the state of South Carolina. As you may know, South Carolina does not prohibit prison gerrymandering specifically, although several counties do. I work for a municipal courthouse and I see how the effects of political decisions hurt some of the most impoverished members of our community. The ability for incarcerated persons to be accurately represented by their home district (preincarceration

	address) is paramount. As a voter, resident, and judicial employee, I would strongly support that residents of my county, who are currently incarcerated and temporarily housed elsewhere in the state, be counted in my voting district as residents. This upholds the sanctity of one-person one-vote, which is crucial to the strength of our democracy. Thanks for taking the time to hear my thoughts, please feel free to contact me at any time.
c00118	The Census Bureau cited the importance of using one's "usual residence" in their decision to continue to count prisoners in the cells they currently serve their time when the 2020 Census is administered. Yet, if the Census Bureau is truly interested in recording inmates at their "usual residence" (defined as where they "live and sleep most of the time") prisons, and certainly jails, are NOT where prisoners spend most of their time (time being the 10 years for which their body count in the Census affects policy). Although "the average length of time served by federal inmates more than doubled from 1988 to 2012, rising from 17.9 to 37.5 months" that still means that the average felon served only slightly over three years in prison (less than a third of the time that the Census, with its decade long influence, would have inmates counting the prison as their usual residence). "Prison Time Surges for Federal Inmates November, 18 2015 Public Safety Performance project PEW Charitable Trusts http://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2015/11/prison-time-surges-for-federal-inmates And ALL jailed inmates serve <i>less an a year</i> (that is less than a tenth of the time the Census would record them living their if they choose to continue counting prisoners as residents of the communities outside the prison walls which prisoners have no stake in). I hope that this comment and others like it will have a real impact on the Census Bureau's decision. Although, I am skeptical, considering that the Census Bureau elected to disregard the vast majority of comments on the 2010 Census's recording methods regarding prisoners who argued for their residencies to be marked in their home communities. "Of the 162 comments pertaining to prisoners, 156 suggested that prisoners should be counted at their home or pre-incarceration address," leaving only 6 individuals who disagreed. Ironically, it is this very disproportionate sway of the few over the many which counting prisoners as residents of the jails and prisons they temporarily reside in ensures. For instance, because the state of Rhode Island had only one prison located in Cranston's Ward 6, "Every seven voters in Ward 6 [Cranston, RI] had the same political power as 10 voters in the city's other wards." "The Wrong Way to count Prisoners" 7/15/16 NY Times http://www.nytimes.com/2016/07/16/opinion/the-wrong-way-to-count-prisoners.html?_r=2 This violates the US constitutional commitment to one person, one vote for which we fought a Revolution! It is not, as opposition argued, giving undue advantage to correctly count prisoners in the place they have the greatest stake and will likely spend the most time in the ten years for which the Census holds influence it is in fact the other way around, counting prisoners as residents of communities they can not participate in and do not likely have family living in gives undue political power to those communities that house prisons.
c00119	Don't count prisoners in prisons, count them in their real homes! Rural areas have far too much power in our government already, and it's subverting our democracy!!
c00120	Pennsylvania is already badly gerrymandered. We're 52% Democrat with a heavily Republican legislature on account of the gerrymandering. Counting prisoners in the rural Republican districts of the prison rather than their natural addresses worsens a bad situation. Please consider counting prisoners at their home addresses where they are actually likely to be registered to vote.
c00121	I am disgusted and embarrassed that Pennsylvania is one of the most gerrymandered states in the country! Counting inmates in prisons only exacerbates the problem! DON'T LET THIS PRACTICE CONTINUE!
c00122	Counting inmates as residents of prisons and detention centers violates Pennsylvania law, which states: A penal institution (including a halfway house) cannot be a residence address for registering to vote.

	<p>It also violates the one person, one vote requirement of the U.S. Constitution's Fourteenth Amendment as was made clear this year by U.S. District Judge Mark E. Walker in Calvin et al. v. Jefferson County and by U.S. District Judge Ronald Lagueux in Davidson vs. City of Cranston.</p> <p>Miscounting of urban prisoners in the rural districts where most PA prisons are located swells the population base of those districts. It enhances the political clout of politicians who have strong incentive to support prison expansion and to enact policies that ensure continued mass incarceration. The practice distorts our democratic process and undermines government of, by and for the people.</p>
c00123	<p>I just wanted to add my voice to those calling for prisoners to be counted at their voting address for the census rather than at the location where they are incarcerated. It's inconsistent to say they live at the prison for the purposes of creating voting districts, but not for the purposes of actually voting. Either change the law to allow them to vote at their prison address, or count them as voters in the district where they are actually eligible to vote.</p> <p>Thank you for your time.</p>
c00124	<p>If the courts have stated that prisoners cannot be counted for the county their prison is in or not counted at all while they are in prison, abide by their rules because that is what the constitution states.</p>
c00125	<p>If prisoners are counted where they are, they should have the right to vote where they are. All people paroled or on probation should have the right to vote, not under state law, but under federal law.</p>
c00126	<p>I write to express my firm opposition to counting incarcerated people as residents of the place where they are incarcerated. The most basic definition of residency hinges on an intent to be someplace. No prisoner intends to be where they are incarcerated. They intend to be where they're from. It's why they leave when they're released. They have NEVER intended to reside at a facility they were assigned to without volition or input.</p> <p>I wish we lived in a society where this was a tiny insignificant rounding error. But it's not. It's millions of displaced people further traumatized and disempowered by counting their voices as supporting their captors.</p> <p>Prison gerrymandering is offensive precisely because it expropriates the power of the most voiceless and defenseless in our society, and arrogates that power to their captors.</p> <p>That's just fundamentally un-American.</p>
c00127	<p>My PhD and advocacy work around prison politics leads me to conclude that prisoners should not be counted based on imprisonment. It is not uncommon for prisoners to be transferred multiple times without knowledge to the Census Bureau. This leads to inaccurate counting of prisoners. What's more, prison privatization often results in prisoners being transferred out of their original residential state for a temporary period of time. These prisoners remain residents of the state from which they were transferred from and should be counted as residents of that state—not the state to which they are temporarily transferred. Counting prisoners as residents in prisons produces inaccurate data, and in turn, ineffective</p>

	<p>policy and practices.</p>
c00128	<p>I am writing to persuade you and the Bureau of the Census to change its current practice and reconsider the ways and means by which incarcerated citizens are counted in the 2020 census.</p> <p>As your own mission statement declares:</p> <p style="padding-left: 40px;">“The Census Bureau's <i>mission</i> is to serve as the leading source of quality data about the nation's people and economy. We honor privacy, protect confidentiality, share our expertise globally, and conduct our work openly.”</p> <p>To support my request I strongly suggest that it is incorrect to count people as residents of the prison in which they are incarcerated. Neither these individuals nor their families regard their cell or the facility as their home. They are there because of a conviction and sentencing, but they have not elected it as their residence. Incarcerated citizens counted as such, is not quality data.</p> <p>Why is this important? The incorrect allocation of their residence has a very tangible impact upon all of the resources that rely on the accuracy of the census to determine a host of allocations. This data, as you well understand, has an impact upon the lives of many. To eliminate these citizens from the more accurate placement of their residence shifts the power dynamics of all forms of representation.</p> <p>I am asking that you count the incarcerated at their home address, which is almost always their legal address. To count the incarcerated otherwise is falsely increasing the population counts of all those communities with prisons. This practice benefits some but it distorts the greater picture and this lens, once inaccurate in its true measure, reverberates with less than beneficial consequence to the majority.</p> <p>I applaud your decision to extend the deadline for residence rule comments and hope that common sense prevails in reaching your decision to sustain a process that will provide quality data in the 2020 census. I strongly urge you to not count the incarcerated as residents of the community in which they have been imprisoned.</p> <p>Thank you for your consideration.</p>
c00129	<p>Jacksonville, N.C., is home to one of the largest Marine Corps Installation in the world. Moreover, it houses detachments from other military branches. In all, there are nearly 50,000 military personnel, not counting associated contract personnel from out-of-area locations, transiting to and from Jacksonville throughout the year.</p> <p>Though the base has substantial housing, hundreds of military personnel and their family members live off base. Consequently, all the military personnel and their families, both on and off base, are living and moving about the city of Jacksonville on a daily basis - year around. This constitutes a total of over 175,000 people living and working in Onslow County not being counted in the census.</p>

	<p>This, quite obviously, taxes the city's municipal resources; such as the need for more police and fire protection, street repair, utilities and utilities maintenance, trash collection, etc.</p> <p>While the base is self-sustaining with federal funds, the city of Jacksonville receives little or no outside funding to offset the base's impact on the city and county. Consequently, the burden of the costs are on the shoulders of the "permanent" residents.</p> <p>Therefore, it is believed the Rule of Interest is both fair and equitable.</p>
c00130	<p>Please change the current residence rule that specifies that prisoners should be counted as residents of the prison in which they find themselves, however far that is from their home.</p> <p>Since prisoners are not allowed to vote it seems obvious they should not be counted in the town in which the prison lies. Any town with a prison in it gets an unfair census advantage, and gives the residents of that town more power at the ballot box.</p> <p>I hope that you will correct this undemocratic practice for the 2020 census,</p>
c00131	<p>I submit this comment on the Census Bureaus' proposed rule for the 2020 Census which would continue the practice of counting incarcerated individuals as residents of the municipality/district where they reside while incarcerated, rather than their home community.</p> <p>When the prison population was small, this practice created little real world impact. Today, however, U.S. Census data counts more than <i>2 million people</i> as though they were residents of places where they have no community ties. Not inconsequentially, the locales where they are so-called "legal residents" have no ties to them, other than benefiting from the additional political clout their incarceration provides.</p> <p>In 2014, with pending legislation in the state of New Jersey, the Unitarian Universalist Legislative Ministry of NJ developed a Fact Sheet for its members and allies. It's Task Force on Criminal Justice Reform looked at a real world example of how this Census Bureau practice unfairly advantages districts where prisons exist, and disadvantages the districts which the majority of those inmates call home.</p> <p>Maurice River Township (Cumberland County) is home to Southern State Prison. The Township 2010 Census population was 7,976. However, 2,040 of these individuals are inmates of the prison-- representing 25% of the Township's population. Only 63 of Southern's inmates are actually residents of Cumberland County, while the remaining 1,977 come from other NJ counties (half come from just five counties- Atlantic, Camden, Essex, Hudson and Union). Maurice River Township's.</p>

	<p>If one looks at urban, heavily minority counties in NJ, such as Mercer (Trenton), Essex (Newark), and Camden (Camden City), the situation is reversed. Essex County is considered to be "home" for approximately 2,360 male offenders in the state. However, only 490 of these offenders are incarcerated in Essex County (Northern State Prison). This results in a loss of some 1,870 individuals who are counted as residents of the counties where they are incarcerated, rather than Essex County.</p> <p>These artificially deflated population counts hold true for all of the urban counties in the state. For example, 100% of Camden County's male offenders are incarcerated in counties other than Camden because Camden County does not have any State correctional facilities. This results in a population loss, for purposes of representation at the state and federal level, of close to 1,700 citizens.</p> <p>Prison-based gerrymandering:</p> <ul style="list-style-type: none"> ▪ artificially inflates the population of areas where prisons are located; artificially deflates the population of the communities that are the inmates' true "home;" ▪ increases political representation in communities where prison populations lead to additional voting districts (this despite the fact that those very inmates cannot vote while they are "residing" in prison); decreases political representation in the communities that inmates called "home" prior to their incarceration, thus effectively disenfranchising these largely lower-income, urban communities of color. ▪ overstates key indicators of "need" -- e.g., poverty-- in communities where prisons are located, giving them an artificial advantage in accessing need-based state and federal resources; understates those very same indicators of need in the inmates' home communities, thus artificially reducing their ability to access those same resources; <p>The Census Bureau's practice of counting incarcerated individuals as residents of the area in which the prison is located as long been a tool for unfair advantage to certain communities, and unfair disadvantage to (primarily) urban areas. It is way past time to end this practice, and count incarcerated individuals as residents of the municipality where they had their last legal address prior to incarceration.</p>
c00132	<p>Please consider the following arguments in making this decision:</p> <ul style="list-style-type: none"> • The Census Bureau is wrong to consider incarcerated people as residents of the correctional facility because this constitutes gerrymandering and further disenfranchises poor voters. In Oregon, incarcerated individuals cannot vote and

	<p>are concentrated into 15 facilities in 12 legislative districts. This non-voting population artificially inflates the relative strength of people living near the prison, while decreasing the relative strength of their community of origin.</p> <ul style="list-style-type: none"> • The Census Bureau has chosen to continue counting people in the wrong place, ensuring an inaccurate 2020 Census. This practice weakens the vote of people from districts where the inmates have been subtracted from the count. When added to the fact the inmates are not allowed to vote this issue of gerrymandering is compounded. <p>Please put a stop to this corrupt political practice.</p>
c00133	i dont agree that you count inmates as residents of where they reside when they cannot vote and it is just so they politicians in that area can gain from the count.
c00134	I dont agree with counting inmates as residence of the area in which they are HOUSED some are sent to different areas all the time and some dont live where they were incarcerated so how can you count them as residences. It makes no sense only that people use these figures to their advantage.
c00135	Every citizen needs to be counted!
c00136	Counting ex-prisoners as residents of the prison locale rather than their current place of residence is pure gerrymandering. Its as bad as the N.C. legislature's (visiting us from the 18th century) gerrymandering of districts in order to ensure that only Republicans were elected and that their party held sway in the legislature. A Federal Judge held held that it was wrong, as is counting ex-inmates as if they were still incarcerated.
c00137	Prisoners should not be counted in the place of their incarceration, they should be counted in their homes. Counting them at the prisons gives to much voting power to underpopulated prison towns. The prisoners interest is not represnted by the town that has no connection to them. They do not take part in town functions, schools, commerce etc. Even their use of roads are limited. Prisons get separate funding from the state to support the prison itself, and then in many places are unequally given additional support from the state because ti seems that they are larger not to mention they have unbalanced power int he legislature. IT also sends a message to people in prison, most of whom will be released before the next census, that the country only considers them as prisoners, without any autonomy, without any future. Feeling empowered is a huge part of successful rehabilitation and to not even allow someone to identify their home, regardless of where they have to live is sad. They have futures in their homes, not in the prisons and they should be allowed to assert that- even if it werent for the effects of vote dilution on the rest of us. Please reconsider this rule and count prisoners where we all belong, in their true homes.
c00138	Penal institutions should not be counted as prisoner residences. It distorts the meaningful residential information gained from these counts.
c00139	<p>Please change the practice of counting prisoners in the census based on where they are imprisoned. this is unfair both to their home districts and to the communities where prisons have been built.</p> <p>nb:</p>

	<p>In the past 30 years many new prisons were built in rural areas of the country and those prisons have been identified, in past censuses as the “home” of the people imprisoned there. For example, a total of 3,500 women are currently incarcerated in Vandalia and Chillicothe MO. An additional 26,500 men are imprisoned in a variety of MO rural prisons including Bonne Terre, Pacific MO, etc.</p> <p>Representation in the House of Representatives is based on the census numbers. In terms of gerrymandering, this means that those rural areas are allotted more representation in the MO House of Representatives than they deserve and the major cities (St. Louis, Kansas City, Springfield, etc.) where a large percentage of those men and women actually live are allotted less representation than they deserve.</p> <p>Another problem with designating a prison, instead of an actual home, as a person’s residence is that it makes it impossible for researchers to understand the demographics of local communities. So subsequent policies, usually based on research, are inadequate.</p>
c00140	<p>Thanks for the opportunity, for the 2020 census, to suggest changes in the designated residence of people who are incarcerated. It is important that prisons and other detention facilities are not identified as the “home” or “residence” of men, women and children who are incarcerated there.</p> <p>Approximately 3,500 women are incarcerated in Vandalia MO and Chillicothe MO. About 26,500 men are incarcerated in rural area prisons in other parts of MO. To designate these rural areas as their homes inflates the number of representatives in Congress that these rural areas are allotted and deflates the number of representatives allotted to the major cities in MO where the majority of the prisoners live.</p> <p>Additionally, it distorts the demographics collected by researchers, thus negatively influencing city and state policies and practices.</p>
c00141	<p>This is in regard to the 2020 Population Census and Prison population. As an example, Chillicothe has 3500 inmates many from Kansas City and Saint Louis.</p> <p>There is an unfair distribution as those rural areas are allotted more representation in the MO House of Representatives than they deserve and the major cities (St. Louis, Kansas City, Springfield, etc.) where a large percentage of those men and women actually live are allotted less representation than they deserve.</p> <p>Another problem with designating a prison, instead of an actual home, as a person’s residence is that it distorts and makes it impossible for researchers to understand the demographics of local communities. So subsequent policies, usually based on research, are inadequate.</p> <p>Please take these issues into consideration in preparing for the 2020 census.</p>
c00142	<p>I am suggesting a change in census 2020 which will designate the real home – not a prison – as the residence of men and women who are incarcerated.</p>

	<p>In the past 30 years many new prisons were built in rural areas of the country and those prisons have been identified, in past censuses as the “home” of the people imprisoned there. For example, a total of 3,500 women are currently incarcerated in Vandalia and Chillicothe MO. An additional 26,500 men are imprisoned in a variety of MO rural prisons including Bonne Terre, Pacific MO, etc.</p> <p>Representation in the House of Representatives is based on the census numbers. This means that those rural areas are allotted more representation in the MO House of Representatives than they deserve and the major cities (St. Louis, Kansas City, Springfield, etc.) where a large percentage of those men and women actually live are allotted less representation than they deserve.</p> <p>Another problem with designating a prison, instead of an actual home, as a person’s residence is that it distorts and makes it impossible for researchers to understand the demographics of local communities. So subsequent policies, usually based on research, are inadequate.</p>
c00143	<p>I believe that incarcerated individuals should not be counted in the census as residents of a prison facility. Prisoners have no choice of where they are placed, and they can also be involuntarily transferred at any time, so their prison location does not represent their residence. In addition, it is not right for a Congressional district or other jurisdiction to benefit from the population increase of their presence, and the prisoner him/herself is also not benefitting from the resultant representation; moreover, with the exception of Maine, Vermont and Puerto Rico, the prisoner has no ability to elect the political representatives and the politician cannot be held responsible by these disenfranchised “residents” of their jurisdiction. (If incarcerated people did not lose their right to vote, then it could make some sense to count them in the census as a resident of a prison facility).</p> <p>Prisoners could be counted in the census as living at their last address in the community, where many of them may have family still living, even though they themselves are no longer located there. Or there should be a special census category of incarcerated individuals. I don’t know if there is a special census category for Americans living outside the country, but it would make sense to have such a category both for them and for people who are living in a prison facility.</p>
c00144	<p>As the _____ of the Havelock Chamber of Commerce in North Carolina, I am writing to support the proposed rule change regarding the census count of deployed military personnel. We in Havelock are honored to be the home of Marine Corps Air Station Cherry Point, with an active duty military population of over 9,000 personnel. While these Marines and Sailors are deployed during various times, accurately counting their population is vital to the public and economic needs of our community.</p> <p>We support the Proposed 2020 Census Residency Rule and Residency Situation:</p> <p><i>"U.S. military personnel who are deployed outside the U.S. (while stationed in the U.S.) and are living on or off a Military installation outside the U.S. on Census Day shall be counted at the U.S. residence where they live sleep most of the time, using administrative data provided by the Department of Defense"</i></p>

	<p>The Havelock Chamber of Commerce supports this proposed rule change and thanks the U.S. Census Bureau for conducting an efficient review. Undercounting military personnel due to deployment has resulted in a loss of revenue from federal and state sources. This proposed rule change will improve the quality of life for those who serve and support our nation.</p>
c00145	<p>To whom it may concern: it is a matter of Justice that people be counted where they are from rather than where they are incarcerated! Not counting people where they live gives more weight to the vote of those who live in the municipality where the prison, jail or other type facility is located. Very often the demographics of the municipality where the prison is located doesn't reflect the demographics of those who are imprisoned there! A person who is incarcerated, his or her family and friends are represented by the elected officials where he or she from! Accordingly, when the census is taken he or she should be counted as a member of their hometown community. Please end the distortion of the democratic principle of one man one vote. COUNT PEOPLE WHERE THEY ARE FROM!!!!</p>
c00146	<p>Accurate Census data is vital to the public and economic needs of all communities in the nation. We appreciate the dedication and effort the U.S. Census Bureau has invested in publically reviewing its residency rules for the 2020 Census.</p> <p>Our staff and I have read the Proposed 2020 Census Residency Criteria and Residency Situations Federal Register notice of June 30, 2016. I commend the Census Bureau staff for meeting with our staff and representatives of the military communities in North Carolina, reviewing processes and investigating our recommendations for counting deployed military at their usual place of residence.</p> <p>North Carolina is honored to be the home of several of our nation's significant military bases including Fort Bragg with a population of over 238,000 (the largest military base by population in the world) and Camp Lejeune, the US Marine Corps' Home of Expeditionary Forces in Readiness, with a population over 131,000. Accurately counting these populations at their usual residence in the Census is vital to serving and supporting those who serve our nation. North Carolina is committed to supporting that purpose.</p> <p>We agree with the Census Bureau's assessment that there is a residence difference between military personnel deployed to overseas installations for extended assignments and those detailed for short-term roles. The deployed military personnel usually reside in their military communities. The proposed change is consistent with Census procedures that count persons who are away from their usual place of residence on Census Day such as individuals who are on vacation, on business trips as well as truck drivers or traveling salespeople. We support the following Proposed 2020 Census Residency Rule and Residency Situation:</p> <p>13. U.S. MILITARY PERSONNEL</p> <p>(f) U.S. military personnel who are deployed outside the U.S. (while stationed in the U.S.) and are living on or off a military installation outside the U.S. on Census Day - Counted at the U.S. residence where they live and sleep most of the time, using administrative data provided by the Department of Defense.</p> <p>The proposed change is consistent with Census Bureau policies, provides a more accurate Census count of the usual population of military communities, and better informs planning, services, and funding tied to Census data.</p>

	<p>The existing and proposed Census residency rules for counting deployed military personnel use administrative data provided by the U.S. Department of Defense. The proposed residency rules do not specify whether the administrative data source for the existing residency rules is to be used for the proposed residency rules, or whether a new data source would be used. We look forward to clarification of which Department of Defense administrative data source will be used and would be pleased to work with the Census Bureau to test and verify the quality of the administrative data.</p> <p>We thank the Census Bureau for the efficient and transparent way it conducted this review and we encourage the implementation of Proposed Residency Rule 13(f). Reliable Census Bureau data is essential to our service to the people of North Carolina. We remain committed to working with the Census Bureau to improve the quality of this invaluable process.</p>
c00147	<p>I am prompted to write in response to the news that the Census Bureau recently announced it may continue counting incarcerated people inaccurately as “<i>residents</i>” of prisons locations for the 2020 Census.</p> <p>This is WRONG. One example: People who live in New York City can end up incarcerated in Dannemora, New York State. I was one such person. From your Census count of 2010, as you now count it, we know Dannemora had 3,936 residents. But, at least 2,800 of those ‘<i>residents</i>’ were incarcerated men in the Clinton Correctional Facility in Dannemora.</p> <p>This is a count inaccuracy of over 70%.</p> <p>Which means the areas where we incarcerated individuals lived before we were incarcerated have been deprived of that political representation. - And I am sure the people living in catchment areas neighboring Clinton C.F. were not too happy either.</p> <p>I offer one tiny example of how this skewing of the count looks in reality.</p> <p>My spouse lived, voted, and paid her taxes in New York City when I was incarcerated in Dannemora in the Clinton Correctional Facility.</p> <p>One weekend when visiting me, she was walking back from the facility to her overnight accommodation. She put some candy wrapper she had in a garbage can and walked on. She heard someone shouting, but thought nothing of it. The shouting continued and continued. She finally looked about and realized the shouting was indeed directed at her. It was a prison guard on duty in the high tower on the prison wall. He told her to take her garbage out of the garbage bin because it was a private garbage bin and not for public use. My wife excused herself and did so, and then asked the man where she might find a public garbage bin. The</p>

	<p>man said there were no garbage bins for public use in Dannemora. She asked what she should do with her used candy wrapper as she had come NYC for the weekend. The prison officer thought for a moment, and then he replied <i>'Take it back to New York City with you'</i>.</p> <p>My access to political representation or public services while I was incarcerated in Dannemora did not reach to include the availability of one garbage bin on the street for use by my loved ones when they were visiting me in what you inaccurately describe as my <i>'residence'</i> in Dannemora.</p> <p>Ms.Humes, every weekend at least 100 people from NYC alone visit loved ones in Dannamora. The economy of Dannemora and surrounds receives millions yearly as a result us being incarcerated there. Yet neither myself, nor any of my peers who had previously lived elsewhere in the U.S. ever felt we were democratically represented by political representatives from that region.</p> <p>Most respectfully, one does not need to be a social nor political scientist to see this is not fair representation.</p> <p>P.S. Ms. Humes, would you accept in your office, information from other U.S. goverment agencies, where the information contained inaccuracies of up to 70%?</p>
c00148	<p>Partnership for Safety and Justice (PSJ) submits this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 81 FR 42577 (June 30, 2016). We would strongly recommend that incarcerated people be recorded by the Bureau as residing in their home communities – not as residents of the locations where they are imprisoned. If made final, the Bureau's current proposal will mean another decade of decisions based on Census results that count incarcerated people in the wrong place and in a manner that negatively impacts crime victims, people convicted of crime, and the families and communities of both.</p> <p>As an organization, in large part, dedicated to supporting services and programs for victims of crime, we find the current proposal to be problematic for at least two reasons. First, we are very concerned that individuals and communities with high crime rates are being doubly victimized (a) by the person who harmed them and (b) by the current census methodology, which fails to include individuals, frequently from their own community, who are sent to another location to serve a term of incarceration.</p> <p>Second, as an organization likewise dedicated to ensuring the ability of formerly incarcerated people to be fully counted in and participate in civic and economic life, PSJ also believes that people held accountable for crime should be tallied in their home communities. Counting incarcerated people as residing where their prison is located, rather than their home communities, skews the census result by failing to count residents who were transported involuntarily from their home community and, in the majority of instances, will return to that home</p>

	<p>community long before the next census. The current method also dilutes the local census in terms of accurately counting residents who are people of color – a population disparately removed from their home communities and placed in state and federal prison.</p> <p>Crime victims and people who commit crimes almost invariably come from the same communities. Undercounting the residents of these communities – and, worse, inaccurately counting them as the residents of communities where they are imprisoned – harms crime victims, people convicted of crime, their families and community alike. We urge the Bureau to count people as residing in their home communities, not where they are incarcerated.</p> <p>Thank you for this opportunity to comment on the proposed Residence Rule and Residence Situations.</p>
c00149	<p>I understand that in 2020 the U.S. Census Bureau will once again consider counting people who are incarcerated in prison as ‘residents’ in that prison rather than as residents of the place they lived before they were incarcerated.</p> <p>May I say most respectfully, that is not good.</p> <p>My son _____ spent 24 years, four months and five days in prison for a crime he did not commit. Before he was incarcerated he lived in upper Manhattan. I tried to get help to clear his name from all the elected officials in his area. But as you know elected public representatives have enough to do without trying to help people they do not represent. And because the U.S. Census did not count my son as living in Manhattan he was no longer one of their constituents. And what of support from elected representatives in all the different catchment areas where my son was incarcerated? The truth is, they are not there for us. From what I could see, prisons in their areas meant they got more money for schools and roads, and so on, so they looked very good indeed. But I regret to say, from my experience, the elected officials in those areas did not really want to have anything to do with the problems of the people incarcerated in the prisons there.</p> <p>This is one of many reasons, that people in prison should NOT be counted as residing in prison on the U.S. Census, but as residing at the addresses they lived in before they went to prison.</p>
c00150	<p>Gerrymandering has long been a controversial activity, which continues to create difficult situations for common citizens and lucrative means for the politicians who promote it.</p> <p>For this reason the Census Bureau is wrong to consider incarcerated people as residents of any correctional facility, because they are not <i>willing</i> to be there and do not consider themselves residents. Additionally, many are not allowed to vote by the reasoning that they are not really citizens. Counting them as such continues to make a farce of the democracy we claim to uphold.</p>

	Gerrymandering is not about fairness or equity. Please do not consider this a viable means for counting the prison populations in any census.
c00151	<p>I am writing to you to ask that the U.S. Census count incarcerated people in the districts they consider home, rather than in the arbitrary location where they are incarcerated. I have read a lot about prison gerrymandering and understand that by counting incarcerated people as residents where they are incarcerated, despite their inability to vote in these districts, we are taking away representation from the districts where the incarcerated people lived prior to incarceration - and thus, the communities studies have demonstrated they will most likely return to. The communities most hurt by this policy tend to be black, Hispanic, and poor, meaning their ability to advocate for their needs is already severely hampered; we make it worse by taking away members of their community and the proportional representation those members would have added.</p> <p>Please change the way the Census counts incarcerated people this year - to one of self-designation or the incarcerated person's last known address.</p>
c00152	<p>As a coalition of groups involved with the 2011 Massachusetts Redistricting process, we submit this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 81 FR 42577 (June 30, 2016). The Bureau's proposal to continue counting incarcerated people at the particular facility that they happen to be located at on Census day ignores the transient and temporary nature of incarceration. If made final, this proposal will mean another decade of decisions based on a Census that counts incarcerated people in the wrong place.</p> <p>The need for change in the "usual residence" rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the number of incarcerated people has more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census and for the voting strength of certain communities.</p> <p>By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks, which are located far from the actual homes of incarcerated people. Just two examples of specific impacts in Massachusetts include:</p> <ul style="list-style-type: none"> • Without using prison populations as padding, 5 Massachusetts House districts drawn after the 2000 Census did not meet constitutional population requirements. For example, while each House district in Massachusetts should have had 39,682 residents, the 3rd Suffolk District, which claimed the population of the Suffolk County House of Corrections, had only 36,428 actual residents. This means that the actual population of the district was 8.2% smaller than the average district in the state. • When the city of Gardner last updated their districts in 2001, they were faced with the prospect of giving the residents on the eastern side of the city, near the state prison, extra influence over city affairs, or rejecting the flawed Census counts. The City Council ruled to reject the Census counts because doing otherwise would have given each group of 8 people who live near the prison as much say over city affairs as every group of 10 residents elsewhere in the city.

	<p>In 2011, advocates like us asked the Massachusetts Joint Committee on Redistricting to reverse the “usual residence” policy like Gardner did and to count persons at their legal address prior to incarceration, rather than in prison for state districts. The Committee agreed with us that the way prisoners are counted does a disservice to the state and should be changed. However, the Committee and legal counsel thought that the Massachusetts state Constitution, which dictates that the federal census be the basis for determining the representative, senatorial, and councillor districts, would prevent Massachusetts from unilaterally changing this rule for these districts. Instead, the Committee recommended to the General Court that it adopt a resolution calling for such a change to send to Congress and to the Census Bureau. Such a resolution was passed on August 14, 2014 (attached).</p> <p>In fact, currently four states (California, Delaware, Maryland, and New York) are taking a state-wide approach to adjust the Census’ population totals to count incarcerated people at home, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts. But as we have seen, this is not an approach that is unilaterally applicable.</p> <p>For these reasons, we urge you to change Census Bureau policy to count incarcerated people as residents of their home address, rather than at the place of their incarceration. Thank you for this opportunity to comment on the Residence Rule and Residence Situations.</p>
c00153	<p>As a Pennsylvania State Legislator, I am concerned that the Census Bureau has decided to continue to consider incarcerated people as residents of the correctional facility in which they are imprisoned. This practice is in violation of Pennsylvania rules <u>Pennsylvania Brochure for Incarcerated Persons</u> which state that a prison cannot be used as a voting address. Prisoners are instructed to use a pre-incarceration home address, their last registered address or even a new residence in which the prisoner may plan to live in once outside of the correctional facility.</p> <p>A correctional facility does not qualify as a residence because it is involuntary and temporary.</p> <p>If the Census Bureau continues to count people in the wrong place – the correctional facility – we will again have an inaccurate 2020 Census. In Pennsylvania, roughly 40% of the state’s prisoners are from urban Philadelphia while many of our state correctional institutions are in rural areas. The impact in our communities is that we are drawing congressional districts based on inaccurate census data. This is a problem in a state that is included in every article decrying congressional gerrymandering. With Pennsylvania congressional districts as pterodactyls and other strangely shaped districts, we need to a better job. To do that we need accurate census data.</p> <p>Thank you for your consideration of my comments as you move forward to finalize the 2020 Census Residency Rules.</p>
c00154	<p>I represent _____ in the State of Texas and submit this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 81 FR 42577 (June 30, 2016). The Bureau's proposal to continue counting incarcerated people at the particular facility that they happen to be located at on Census Day ignores the reality of incarceration: prisons are not a "usual residence."</p>

	<p>As an elected representative, I am keenly aware that democracy, at its core, rests on equal representation. And equal representation, in turn, rests on an accurate count of the nation's population. Dallas County alone has over 16,500 incarcerated inmates in the Texas Prison system.</p> <p>The reality is that when my constituents are incarcerated, they are sent to prisons outside my district, but they and just as importantly, their families, still rely on me for representation. Over the course of their incarceration, the prison administration may move them between different prisons, located in many of my colleagues' districts, but they remain my constituents. Their home in my district remains their only stable, permanent, "usual" residence. Counting them as if they were residents of the facility where they happen to be held on Census day doesn't reflect the modern lived reality of our communities. Further when released they are sent back here for reintegration.</p> <p>I note that your proposed method of counting the incarcerated population is inconsistent with how you count other groups that eat and sleep in a location that is not their usual residence. For example, I note that your proposed rules will count boarding school students at their home address even if they spend most of their time at the school. The same approach should be taken when counting incarcerated people.</p> <p>I am also concerned about the impact of your residence rules on racial justice in my state. Our state disproportionately incarcerates African-American and Latino people so when you count them in the wrong location, and that data is used for redistricting, it further undermines the political power of minority communities.</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to follow the residence rule to count everyone in the right place. I believe that in order to produce an accurate 2020 Census, the Bureau must count incarcerated people at home.</p>
c00155	<p>I am writing to provide comments on the Proposal 2020 Census Residence Rule, as outlined in the Federal Register on June 30, 2016.</p> <ol style="list-style-type: none"> 1. I agree with the Census Bureau's decision to count prisoners at the facilities where they live and sleep most of the time. I am familiar with the arguments to the contrary. I'd like to make the following points: <ol style="list-style-type: none"> a. Residence is residence. Incarcerated persons clearly live at the facility in which they are incarcerated. b. It would be an unreasonable burden on the census process to collect putative "home addresses" for the incarcerated population. It would consume considerable time both on the part of the census enumerators who collect data from the facilities and on the facility administrators who would have to research and provide the information. c. It is not the bureau's responsibility to facilitate states' redistricting activities beyond the activities already proposed, including the redistricting data summary file itself, the identification of group quarters counts at the block level on that file, and the proposed option to geocode prisoner home addresses if provided by the states to the bureau. 2. I do not support the decision to count deployed military and government civilian population at their "home" addresses. Doing so

	<p>weakens the argument made by advocates of enumerating prisoners at “home.” The only difference is procedural, in that the bureau can use a single file provided by the DOD, rather than many files provided by the states, to geocode this population. The bureau needs to make a better case for distinguishing between these two large populations.</p> <p>3. I have no problem with the proposed changes for crews of maritime/merchant vessels, residential treatment centers for juveniles, or religious group quarters.</p> <p>4. The proposed rule does not provide sufficient clarity for people with multiple residences. The problem here, especially relevant for Michigan, is <i>snowbirds</i> – people whose permanent residence is in one place but who live part of the year in a clearly designated housing unit – one that appears on the MAF and will receive a census form – in another place. What is the plan for instruction to these respondents, to provide guidance on how they shall be counted once, only once, and in the right place? I suggest that better criteria for these situations be included in the Residence Rule.</p> <p>I hope that this response is helpful. I am happy to answer any questions or to discuss this further as appropriate.</p>
c00156	<p>Thank you for the opportunity to comment.</p> <p>We believe that the residency rules should also specifically address people living in memory care centers (aka Alzheimer’s care or Dementia care centers). Because of the nature of Alzheimer’s disease and Dementia we believe that the use of administrative records may be required to get accurate responses on the 2020 census questionnaire.</p> <p>At times the definition of a memory care facility may appear to overlap with nursing facilities, but they are most often distinct with different staffing and treatment requirements. Without calling out memory care centers here and in future federal registers related to group quarters, there may be the expectation that those who reside there answer their own census forms, and could be incorrectly counted at a residence from the individual’s past. Nursing facilities/skilled-nursing facilities are specifically called out in section 11d. We feel that memory care centers should be added to this section as well as to footnote number 8.</p>
c00157	<p>Papa Ola Lokahi (POL) thanks the U.S. Census Bureau for an opportunity to provide comments regarding the Residence Rule for consideration and decision-making toward the 2020 Census process.</p> <p>1. Federally Affiliated Overseas (a) Military and Civilian Employees of the U.S. Government Who Are Deployed Overseas</p> <p>Census Bureau proposed 2020 change: ... seeks to count deployed personnel in a way that is more consistent with the concept of usual residence, based on the short duration of most deployments and the fact that the personnel will return to their usual residence where they are stationed or assigned in the U.S. after their temporary deployment ends.</p>

POL comment: POL agrees with the proposed change and rationale. All branches of the U.S. military occupy lands, bases, residential units, and training facilities within Hawaii's coastal borders. It is essential that military personnel that are assigned to any military branch and based in Hawaii, whether personnel or family members are within base quarters or off-base in residential units, be counted in Hawaii.

With Hawaii's estimated population at 1,431,603 (source: U .S. Census Bureau, ACS 2015 1 year, QuickFacts), compared to the Active Duty Military (all branches) population at 40,034 in Hawaii as recent as May 31, 2016 (source: [http : www.governing.com/gov-data/military-civilian-active-duty-employee-workforce-numbers-by-state.html](http://www.governing.com/gov-data/military-civilian-active-duty-employee-workforce-numbers-by-state.html)), not counting Reserve Forces Military in Hawaii at an additional 9,313 (ibid); it is clear that the military population in Hawaii contributes to its population diversity, local fabric, and economic factors. Hawaii ranks #8 among all states in Total Active Duty (ibid) population, compared to CA #1, TX, NC, VA, GA FL, and #7 WA. Hawaii depends on federal funding based on its decennial census response rate to provide the infrastructure and maintenance for public infrastructure.

Hawaii Revised Statutes, §HRS 1 1-13(6) that states: *No member of the armed forces of the United States, the member's spouse or the member's dependent is a resident of this State solely by reason of being stationed in the State.*

The purpose of the decennial census is to count people in place, in time, legal or illegal, without proof of address, citizenship, occupation or loyalty. It is consistent to count all Military personnel who are based in Hawaii and plan to return to Hawaii after deployment.

Infrastructure and services that are provided through funding mechanisms based on census data need to be in place upon return to Hawaii.

(b) Military and Civilian Employees of the U.S. government Who Are Non-Citizens and Are Deployed or Stationed/Assigned Overseas
Census Bureau proposed change:

... military and civilian employees of the U.S. Government who are deployed or stationed/assigned overseas and are not U.S. Citizens (but must be legal U.S. residents to meet the requirements for federal employment) would be included in the Federally Affiliated Overseas County (which would follow the guidelines for deployed and stationed/assigned military personnel that are described in section C.1.a. of this document).

POL comment: POL supports the proposed change in language consistent with rationales used for the federally affiliated overseas population in the decennial census. That military and civilian employees of the U.S. Government should be included in the Federally Affiliated Overseas Count, by virtue of qualifying for and meeting the requirements of federal employment, having pledged by oath loyalty and other sustaining virtues to serve our country.

POL also applies Hawaii Revised Statutes, §HRS 11-13(5) states that: A person does not gain or lose a residence solely by reason of the person 's presence or absence while employed in the service of the United States or of this State, or while a student of an institution of learning, or while kept in an institution or asylum, or while confined in a prison.

We further recognize that citizenship is not a requirement to determine residency in Hawaii.

2. Crews of U.S. Flag Maritime/Merchant Vessels

No change to 2020 Census how the Census Bureau counts crews of U.S. flag maritime/merchant vessels that are docked in a U.S. port, sailing from one U.S. port to another U.S. port, sailing from one foreign port to another foreign port, or docked in foreign port.

POL comment: POL supports the current language (without change) to the paragraph above and agrees with the Census Bureau.

Census Bureau proposed change:

...seeks to count crews of U.S. flag maritime/merchant vessels in a way that is more consistent with the concept of usual residence, based on the fact that mariners sailing between U.S. and foreign ports typically have the same pattern of usual residence as mariners sailing between two U.S. ports (i.e., they retain an onshore residence in the United States where they live and sleep most of the time).

POL comment: POL supports the proposed change based on a more consistent concept of usual residence. POL cites Hawaii Revised Statutes, §HRS 11-13(1) that states that: *The residence of a person is that place in which the person's habitation is fixed, and to which, whenever the person is absent, the person has the intention to return.* In other words, a person has the intention to return (home) where the person maintains an address and sleeps.

3. Residential Treatment Centers for Juveniles

The Census Bureau proposes to count people in residential treatment centers for juveniles at the residence where they live and sleep most of the time.

Juvenile residential treatment centers allow for several unique situations, whereas, in the case where weekend passes are allowed and the juvenile returns home, or a place where the juvenile is preparing to return to, should be able to be counted at their "usual residence" with family members or foster home and not at the treatment center because that residence is not "usual" nor permanent.

POL comment: POL recommends the application of §HRS 11-13(5) states that: *A person does not gain or lose a residence solely by reason of the person's presence or absence while employed in the service of the United States or of this State, or while a student of an institution of learning, or while kept in an institution or asylum, or while confined in a prison*

4. Religious Group Quarters

The 2020 Census proposal is to count all people staying in religious group quarters at the facility on Census Day.

POL comments: Agrees with the change for 2020 Census to count people at religious group quarters at the facility. Most religious group quarters are longer term residence where the "usual residence" is an accurate description.

POL provides comments for the following "2020 Census Residence Rule and Residence Situations":

1. People Away from Their Usual Residence on Census Day - a. Agree
2. Visitors on Census Day - a. Agree
3. Foreign Citizens In The U.S. - a. Agree; b. Agree; c. Agree
4. People Living Outside The U.S. - a. Agree; b. Agree; c. Agree
5. People Who Live Or Stay In More Than One Place - a. Agree; b. Agree; c. Agree
6. People Moving Into Or Out Of A Residence Around Census Day - a. Agree; b. Agree; c. Agree
7. People Who Are Born Or Who Die Around Census Day - a. Agree; b. Agree; c. Agree; d. Agree
8. Relatives and Nonrelatives - a. Agree; b. Agree; c. Agree; d. Agree; e. Agree; f. Agree; g. Agree; h. Agree; i. Agree.
9. People in Residential School-Related Facilities - a. Agree, especially important to count tribal school children at the residence of their parents or guardians if they board away from home; b. Agree; c. Agree.
10. College Students (and Staff Living in College Housing) - a. Agree; b. Agree; c. Agree; . Agree.
11. People In Health Care Facilities - a. Agree; b. Agree; c. Agree; d. Agree; e. Agree.
12. People In Housing For Older Adults - a. Agree.
13. U.S. Military Personnel - a. Agree; b. Agree; c. Agree; d. Agree; e. Agree; f. Agree; g. Agree; h. Agree.
14. Merchant Marin Personnel on U.S. Flag Maritime/Merchant Vessels - a. Agree; b. Agree; c. Agree.
15. People In Correctional Facilities For Adults - a. Disagree as the rule is applied to prisoners only and cite Hawaii Revised Statutes §HRS 11-13(5) states that: *A person does not gain or lose a residence solely by reason of the person's presence or absence while employed in the service of the United States or of this State, or while a student of an institution of learning, or while kept in an institution or asylum, or while confined in a prison*; b. disagree as the rule applies to prisoners only and cite Hawaii Revised Statutes §HRS 11-13(5); c. disagree as the rule is applied to prisoners only and cite Hawaii Revised Statutes §HRS 11-13(5); d. disagree as the rule is applied to prisoners only and cite Hawaii Revised Statutes §HRS 11-13(5).

	<p>16. People in Group Homes and Residential Treatment Centers for Adults - a. Disagree as it relates to the patients only at the facility and cite Hawaii Revised Statutes §HRS 11-13(5); b. disagree as the rule is applied to people in residential treatment centers for adults (non-correctional) and cites Hawaii Revised Statutes §HRS 11-13(5).</p> <p>17. People In Juvenile Facilities - a. Disagree as it relates to the juveniles in correctional facilities and cite Hawaii Revised Statutes §HRS 11-13(5); b. disagree as it relates to juveniles in group homes and cite Hawaii Revised Statutes §HRS 11-13(5); c. Disagree as it relates to juveniles in treatment centers and cite Hawaii Revised Statutes §HRS 11-13(5).</p> <p>18. People In Transitory Locations - a. Agree.</p> <p>19. People In Workers' Residential Facilities - a. Agree.</p> <p>20. People In Religious-Related Residential Facilities - a. Agree.</p> <p>21. People In Shelters and People Experiencing Homelessness - a. Disagree as it relates to people (clients) in domestic violence shelters on Census Day and cite the temporary nature of such a stay and the confidentiality of that location, therefore, they should be allowed to use the last residence address prior to the shelter, where they slept; b. Agree; c. Agree; d. Agree; e. Agree; f. Agree.</p>
c00158	<p>As _____ the City of Goldsboro, North Carolina, I am writing in support of the proposed rule change regarding the census count of military personnel who are deployed. The City of Goldsboro is the home of Seymour Johnson Air Force Base with an active duty military population of over 4,500 personnel. As you can appreciate, airmen are deployed in various numbers and for various lengths of time.</p> <p>The proposed rule of interest is relative to counting of these deployed military personnel. Rule 13 (f) states:</p> <p style="padding-left: 40px;">U.S. Military personnel who are deployed outside the U.S. (while stationed in the U.S.) and are living on or off a military installation outside the U.S. on Census Day-- shall be counted at the U.S. residence where they live and sleep most of the time, using administrative data provided by the Department of Defense.</p> <p>The City of Goldsboro supports this proposed rule change. Undercounting military personnel due to deployment has resulted in the loss of substantial revenue from federal and state sources to the City of Goldsboro. I believe that this proposed rule will correct that error. Thank you for your consideration.</p>
c00159	<p>I am submitting this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 81 FR 42577 (June 30, 2016). The Bureau's proposal to continue counting incarcerated people at the particular facility that they happen to be located at on Census day ignores the transient and temporary nature of incarceration. If made final, this proposal will mean another decade of decisions based on a Census that counts incarcerated people in the wrong place.</p>

I am _____ the _____ School of Medicine in Chicago, Illinois. I have studied criminal justice issues for over twenty-five years. The question of prison gerrymander is critically important. The resolution of this issue will reflect directly on the state of democracy in the United States.

The Census Bureau defines "usual residence" as the place where a person "eats and sleeps most of the time", but fails to follow that rule when counting incarcerated people. The majority of people incarcerated in Rhode Island, for example, spend less than 100 days in the state's correctional facilities. If the same people were instead spending 100 days in their summer residence, the Bureau would count them at their regular home address. Even students in boarding schools get counted at their home address whether or not they eat and sleep there most of the time. The Census Bureau continues to carve out an unexplained exception for incarcerated people in order to count them in the wrong place.

The Bureau's failure to update its rules regarding incarcerated persons is particularly troubling given that the Bureau decided that other populations -- deployed overseas military, and juveniles staying in residential treatment centers -- should be counted in their home location even if they are sleeping elsewhere on Census Day. It made these changes even though there were far fewer public comments identifying these issues as causing the magnitude of problems that the public commentary on the prison miscount highlighted.

The Census Bureau should honor the overwhelming consensus urging a change in the Census count for incarcerated persons. When the Bureau asked for public comment on its residence rules last year, 96% of the comments regarding residence rules for incarcerated persons urged the Bureau to count incarcerated persons at their home address, which is almost always their legal address. This level of consensus among stakeholders, which is based on a thorough understanding of the realities of modern incarceration, deserves far more consideration than it was given. As you know, American demographics and living situations have changed drastically in the two centuries since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation.

The Census Bureau's practice of counting incarcerated people in the wrong place had relatively little impact on the overall accuracy of the Census while prison populations remained relatively low, but the growth in the prison population over the last few decades urgently requires the Census to update its methodology. The incarcerated population has more than quadrupled since the 1970's, and the manner in which this population is counted now has huge implications for the accuracy of the Census.

By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just a few thousand Census blocks that are located far from the actual homes of incarcerated people. When this data is used for redistricting, it artificially inflates the political power of the areas where the prisons are located and dilutes the political power of all other urban and rural areas without large prisons. In New York after the 2000 Census, for example, seven state senate districts only met population requirements because the Census counted incarcerated people as if they were upstate residents. For this reason, New York State passed legislation to adjust the population data after the 2010 Census to count incarcerated people at home for redistricting purposes. Three other states (California, Delaware, and Maryland) are taking a similar state-wide approach, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts.

	<p>Acknowledging the need to correct its own data to avoid prison gerrymandering, the Bureau has proposed to help states with the population adjustment. But this ad hoc approach is neither efficient nor universally implementable. Massachusetts legislators, for example, have already expressed concerns about that state's ability to use alternative data in their 2015 comment to the Bureau (comment numbered cl61).</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to follow the residence rule to count everyone in the right place. My organization believes that in order to produce an accurate 2020 Census, the Bureau must count incarcerated people at home.</p>
c00160	Same content as comment c00005
c00161	<p>I would hope the upcoming census would include inmates in prison and jails. There are thousands (10's of 1000's) of inmates that could affect the services to the City, County, State in which they are going to be release.</p> <p>It would be easy to identify their original home or conviction zip code. Dept. of Corrections in every State has that information.</p>
c00162	<p>In June the US Census Bureau released proposed rules for the 2020 Census. Despite significant public input asking for change, the Bureau announced it would continue past practice of counting incarcerated persons as residents of prison locations rather than of their home communities.</p> <p>Counting inmates as residents of prisons and detention centers violates Pennsylvania law, which states: A penal institution (including a halfway house) cannot be a residence address for registering to vote.</p> <p>It also violates the one person, one vote requirement of the U.S. Constitutions Fourteenth Amendment as was made clear this year by U.S. District Judge Mark E. Walker in Calvin et al. v. Jefferson County and by U.S. District Judge Ronald Lagueux in Davidson vs. City of Cranston.</p> <p>Miscounting of urban prisoners in the rural districts where most PA prisons are located swells the population base of those districts. It enhances the political clout of politicians who have strong incentive to support prison expansion and to enact policies that ensure continued mass incarceration. The practice distorts our democratic process and undermines government of, by and for the people.</p>
c00163	<p>Stop the political gerrymandering! Incarcerated citizens need to be counted in their home communities. The prison is not their home, it is where they are now. This practice takes away the power of their vote-even incarcerated people deserve representation in the United States of America!</p>
c00164	<p>Please stop the practice of counting incarcerated citizens of The United States in the places of incarceration rather than their permanent home address. This creates a bias in the election and representation Systems that is unequal, inaccurate and is flawed with contempt, prejudice and corruption.</p>

	<p>Stop years of a flawed document process and Do The Right Thing and stop lying to The American People, You know....Us the ones who pay your salary.</p> <p>As a concerned citizen I urge you to reconsider your counting methods around prisoners and instead count them in their home communities to ensure democratic, proportional representation.</p>
c00165	<p>This is about people being counted by the census at a temporary address, rather than at a permanent address.</p> <p>My understanding is that you want to identify people's permanent address for census purposes, not where they happen to be on April 1st.</p> <p>You don't census motorists based on being on the road.</p> <p>You don't census people based on what hotel room they are in for their vacations, or business trips.</p> <p>You ask on the forms for the person's permanent address.</p> <p>I urge you to make this consistent. Prisons are not permanent addresses; they are temporary.</p> <p>Census prisoners based on their permanent address, not their temporary location.</p>
c00166	<p>If they can't vote you should not count them as residents of where the prisons are</p> <p>As a concerned citizen I urge you to reconsider your counting methods around prisoners and instead count them in their home communities to ensure democratic, proportional representation.</p>
c00167	<p>All of these people are citizens of this country and should, therefore, have the inalienable right to vote from prison....Just as is allowed in Europe, where its more sane .</p>
c00168	<p>Prison gerrymandering robs communitites, especially the most vulnerable ones, of vital political energy. Please end the practice.</p>
c00169	<p>I strongly urge the Census Bureau to change its ruling so that incarcerated people will be allowed to vote in elections from their permanent place of residence rather then from the prison address where they are temporarily housed but otherwise have no civic connection as a US citizen. By the same token, if I were recovering from a serious injury housed in a medical facility considerably distant from my place of residence, I would want to participate in an important election, but using an absentee ballot from my permanent place of residence, not from another part of the country where I have no connection. Absentee balloting has long been an important privilege for US citizens. I was not aware that incarcerated people were denied that privilege.</p>

c00170	Counting prisoners as living in the census tracts where they're imprisoned injects a systemic error of about 1% into the Census's results. By my reading this violates at least the spirit of Article 1 section 2 and Amendment 14 section 2 of the US Constitution. Your attention to the matter is appreciated.
c00171	<p>Addressing the U.S Census Bureau regarding the Census count of prisoners—</p> <p>I urge you to change the practice of counting prisoners as "residents" at the prison location, rather than at their local, permanent addresses. It is unfair to the original "home" communities of the prisoners to leave the prison population out of the home communities' census. It leads to an inflated census in largely rural areas and decreased census in more urban areas, thus affecting proportional representation.</p> <p>Thank you for your consideration of this important census issue.</p>
c00172	<p>This seems ridiculously simple - prison isn't "home", and for most prisoners isn't permanent. This is a case of 'use your common sense' - or corruption. How you decide will tell us which of those two options you are operating under.</p> <p>As a concerned citizen I urge you to reconsider your counting methods around prisoners and instead count them in their home communities to ensure democratic, proportional representation.</p>
c00173	Regardless of where they are held, prisoners retain important connections to their original communities, and it furthers the interests of both to preserve these connections. It is here that they must live when discharged; it is here that they can best hope for rehabilitation; and it is this environment in which they have the best chance of finding the support and motivation essential to making the transition that faces them. Further, displacing them unfairly penalizes these communities of the political representation entitled by that relationship. Rebalancing that relationship is ultimately positive for both the original communities and those housing the incarcerated. All parties stand to benefit from this re-apportionment of prison representation.
c00174	Please change the way you count prisoners and count them in their home districts. It is important to safeguard realistic proportional representation in these communities.
c00175	A whole generation has been lost due to the failed war on drugs. Violent chronic offenders need to be in prison, but nonviolent ones will be released and should be integrated into society.
c00176	<p>I'm writing today to express displeasure with the practice of counting incarcerated people where they confined at the time of the census, rather than their permanent address.</p> <p>The practice of gerrymandering to occur in any place when possible is being used with this census tool. This should not be a tool that is allowed. Instead, they should be counted at their permanent address in the community they will return to after their period of incarceration ends.</p> <p>I urge you to reconsider the method of calculation used to record incarcerated people.</p>

c00177	<p>I am writing today to express disapproval of the practice of counting incarcerated people where they are confined at the time of the census, rather than their permanent address. This statistical sleight-of-hand undermines democratic representation by inflating population counts in areas in which prisoners have no connection to the community in which they are. Instead, they should be counted at their permanent address, in the community they will return to after their period of incarceration ends.</p> <p>Most prisoners serve terms shorter than the duration of the census, and during their incarceration are they often moved to multiple facilities. Thus, the reality of where people are and will be for the period between census counts becomes distorted.</p> <p>I urge you to reconsider the method of calculation used to record incarcerated people.</p>
c00178	<p>"Prison gerrymandering," i.e., counting prisoners as residents of the communities where prisons are located, gives undue representation to those communities and under-representation to places where prisoners come from and to which they will return.</p> <p>It's like counting all New Yorkers as residents of Rhode Island, thereby handing over all of NY's congressional seats and Federal assistance to RI.</p> <p>It's also inadvertently racist. For example, since blacks and Latinos are jailed for crack cocaine exponentially more often than whites are for cocaine, minority communities are far more likely to lose representation than are white communities.</p> <p>Please adjust your methods before the next Census.</p>
c00179	<p>In the past 30 years many new prisons were built in rural areas of the country and those prisons have been identified, in past censuses as the "home" of the people imprisoned there.</p> <p>Representation in the House of Representatives is based on the census numbers, therefore, those rural areas are allotted more representation in the House of Representatives than they deserve and major cities where a large percentage of those men and women actually live are allotted less representation than they deserve.</p> <p>Another problem with designating a prison, instead of an actual home, as a person's residence is that it makes it impossible for researchers to understand the demographics of local communities. So subsequent policies, usually based on research, are inadequate.</p> <p>I urge you to work towards changing the Census for 2020 so that a home, not a prison, is designated as the residence of</p>

	women and men who are incarcerated.
c00180	<p>I feel strongly that incarcerated people should be counted in the decennial census at their permanent address.</p> <p>Counting prison inmates as local residents in the community where the prison they didn't choose is located deprives them of their preferred address, and privileges prison counties for census-related funds and other benefits.</p> <p>Since incarcerated people are disproportionately people of color and poor people, the prison districts effectively acquire representation which is taken away from already marginalized communities.</p> <p>Please do the right thing.</p>
c00181	<p>Current practices that count prisoners at incarceration facilities is inaccurate and damaging. State and local officials should not be able to use the Census Bureau's prison count to manipulate funding & voting districts.</p> <p>For example, because African-Americans and Latinos are disproportionately incarcerated, counting incarcerated people in the wrong location is particularly bad for proper representation of African-American and Latino communities.</p> <p>This practice is also harmful to rural communities containing large prisons, because it seriously distorts redistricting at the local level of county commissions, city councils, and school boards.</p> <p>Please adjust your methods before the next Census in the interest of accurate representation.</p>
c00182	<p>This is about democracy, not funding. States are acting against this practice and are adopting, have adopted, or attempted to adopt legislation across the country--including New York, Maryland, Delaware and California.</p> <p>Counting incarcerated people at the location of the facility reduces the accuracy of the data about communities of color and undercuts the representation of these real communities. For example, because African-Americans and Latinos are disproportionately incarcerated, counting incarcerated people in the wrong location is particularly bad for proper representation of African-American and Latino communities. The communities they will return to face underrepresentation because of this misguided count.</p>

	<p>This practice is also harmful to rural communities that contain large prisons, because it seriously distorts redistricting at the local level of county commissions, city councils, and school boards.</p> <p>Please adjust your methods before the next Census.</p>
c00183	<p>As you consider the 2020 Census, I express my concern regarding how those incarcerated are accounted for. When they are considered "residence" of the prison where they presently reside, it gives an imbalance number of representatives for particular areas, and an overwhelming unfair calculation for areas that do not house prisoners. I believe these individuals should be counted in the area where they resided prior to going to prison. I request that you take this into serious consideration when you prepare the 2020 Census.</p>
c00184	<p>We have to begin to treat people that are serving time in a manner that encourages them to be a part of their communities when they are released. If a person feel like they can make a difference, even in some small way, it gives them a start in making changes in bigger ways.</p> <p>Counting prisoners at incarceration facilities pads the population counts of those communities with prisons. Many folks serving time have wives, husbands, children, parents or friends that have burning issues in their own communities. Unless someone is serving life without parole, the census should count them as living in the district they are from.. the same district they will be a part of when released. When state and local officials use the Census Bureau's prison count data attributing "residence" to the prison, they give extra representation to the communities that host the prisons and dilute the representation of everyone else.</p> <p>Counting incarcerated people at the location of the facility reduces the accuracy of the data about communities of color and undercuts the representation of these real communities. For example, because African-Americans and Latinos are disproportionately incarcerated, counting incarcerated people in the wrong location is particularly bad for proper representation of African-American and Latino communities. The communities they will return to face underrepresentation because of this misguided count.</p> <p>This practice is also harmful to rural communities that contain large prisons, because it seriously distorts redistricting at the local level of county commissions, city councils, and school boards.</p> <p>Please adjust your methods before the next Census.</p>
c00185	<p>I taught at _____ many years ago. I became aware of too many policies and Executive Orders which ran the gamut from silly to shockingly inhumane. Counting incarcerated people in the facility of detainment at the time of the Census creates an inaccurate data set for the ten years between census and therefore distorts democracy and representation.</p>

	<p>Most of the federal prisoners serve less than five years. In states across the country, most prisoners serve short sentences--averaging three years--and are moved around often during that time. In Rhode Island, the average is 100 days. In Georgia, the average prisoner is transferred four times. In New York, the median average for time in a facility is seven months.</p> <p>By counting incarcerated people in any of these temporary facilities instead of their permanent addresses, the Census is providing an inaccurate count that will have longstanding implications for the communities being misrepresented.</p> <p>I urge you to reconsider data collection methods and count incarcerated people at their permanent address which is often required by correctional facilities.</p>
c00186	<p>Do I understand correctly that for purposes of determining Congressional representation and similar purposes, incarcerated prisoners are counted as residing where the state has chosen to house them? And, therefore, the district of the prison gets "credit" for them as residents... even though almost certainly they can't vote?</p> <p>If so: stunning and atrocious. Count them where THEY consider their permanent residence to be, not where the state has housed them.</p>
c00187	<p>I was deeply disappointed to learn that the Census Bureau plans to count incarcerated people in the wrong place again in 2020. Despite public input to the contrary and that supported a change in how incarcerated people are counted by the Census, the Bureau will maintain its outdated and inaccurate practice--what a shame.</p> <p>This will mean that nearly 2 million people will be counted in the wrong place on Census day. This will mean another decade of prison gerrymandering.</p> <p>This miscount not only hurts incarcerated people, their families, and communities, it also hurts researchers, policy makers, and government officials trying their best to draw districts that ensure a sound democratic process.</p> <p>Additionally, in an era where States are doing their part to decrease prison populations and are rolling back draconian criminal justice policies like mandatory minimum sentencing, it seems even more nonsensical to incentivize incarceration by padding out the districts of legislators with large prisons.</p> <p>I hope you my concerns and those of many others to heart.</p> <p>Please count incarcerated people in their home district.</p>
c00188	<p>On June 30, 2016, the U.S. Census Bureau provided notification and requested comment on the proposed "2020 Census Residence Rule and Residence Situations."</p>

	<p>As _____ Surf City, North Carolina, I am writing in support of the proposed rule change regarding the census count of military personnel who are deployed. The Town of Surf City is very close to Camp Lejeune and New River Air Station that has a very large active military population of which there are various number of troops deployed for various length of time. Many military families and active duty personnel call the Town of Surf City home and should be counted as such in the Census.</p> <p>The residence situation for deployed military and how the criteria are applied is specified in Section 13 (f) as follows:</p> <p>"U.S. military personnel who are deployed outside the U.S. (while stationed in the U.S.) and are living on or off a military installation outside the U.S. on Census Day-Counted at the U.S. residence where they live and sleep most of the time, using administrative data provided by the Department of Defense."</p> <p>The Town of Surf City, its elected officials and I _____ support the "2020 Census Residence Rule and Residence Situations" rule change. Undercounting military personnel during deployments has and could in the future result in loss of federal and state revenues. The changes proposed in these rules can help correct this problem.</p>
c00189	<p>I am concerned with the Census Bureau's proposed residence rule for incarcerated people.</p> <p>Representative democracy is rooted in the idea that equal numbers of people should have equal influence over the legislative process. Prison-based gerrymandering distorts the process and moves electoral power away from urban communities of color towards rural white communities.</p> <p>Some states, such as California, and municipalities like Calhoun County, GA have already taken steps to outlaw this harmful practice, creating an absurd dynamic where equal representation is only extended to those lucky enough to live in certain locations. The Census Bureau should take the steps necessary to end prison-based gerrymandering as a practice nationally and permanently.</p>
c00190	<p>I am shocked that the Census Bureau plans to continue the practice of counting incarcerated persons as "residents" of the prison location instead of their home communities, even after hearing from American's more on this issue than any other. Please listen to the citizens of this country, not politicians and private prison industries and do what is right.</p> <p>Prison gerrymandering is bad politics and a government agency should be above that. The results of this practice are a further silencing of marginalized communities, that quite frankly I didn't think we could possible marginalize any further. The fact that american citizens who are stripped of their right to vote are also then counted towards the population of the very people that profit off of their incarceration is just appalling.</p> <p>Eliminate prison gerrymandering and stand up for the people you so dutifully count.</p>
c00191	<p>I do not agree with the Census Bureau's proposed residence rule for incarcerated people.</p>

	<p>Adding the number of inmates to a given locale's population count is willful distortion of the census numbers. This dishonest manipulation of numbers benefits usually rural locales over urban locales. It's wrong and should be abolished.</p>
c00192	<p>Thank you for the opportunity to submit written comments in response to the United States Census Bureau's Federal Register notice regarding the Residence Rule and Residence Situations, 81 FR 42577 (June 30, 2016).</p> <p>Common Cause Hawaii, a chapter of the national Common Cause organization, is made up of citizens who value government that serves the common good, who encourage public participation in government, and who promote fair, honest, and transparent elections. We note that process-related issues and improvements have broad impacts, including impacts on our social and economic lives.</p> <p>The Supreme Court of the United States has recognized the right to vote as a "fundamental" right, and has recognized that, once that right "is granted to the electorate, lines may not be drawn which are inconsistent with the Equal Protection Clause of the Fourteenth Amendment." <i>Bush v. Gore</i>, 531 U.S. 98, 104-05, 121 S. Ct. 525, 530 (2000) (quoting <i>Harper v. Va. Bd. of Elections</i>, 383 U.S. 663, 665, 86 S. Ct. 1079, 1081 (1966)).</p> <p>The Census Bureau's practice of tabulating prisoners based on where they are temporarily incarcerated rather than on where they actually reside has significant negative consequences for voters' rights, for the democratic process, and for voter confidence—concerns frequently raised with the Bureau. Use of the Census Bureau's prison-related data by state and local government effectively exaggerates representation for communities that host prisons, and dilutes representation for other communities.</p> <p>Hawaii is among the majority of states that explicitly provide that a person does not lose state residency upon incarceration: "A person does not gain or lose a residence solely by reason of the person's presence or absence . . . while confined in a prison." (Hawaii Revised Statutes § 11-13(5)). We appreciate the good work of the United States Census Bureau, and we trust that the Bureau will correct the distortion identified, to more accurately represent our communities by affirming the legal residency of incarcerated persons at their home address.</p>
c00193	<p>In the 2020 census, please identify incarcerated men, women and juveniles as residents of the city which, prior to imprisonment, they called home. This is important for districting and research.</p>
c00194	<p>I am contacting you to express concern for the nationwide manipulation of elections in the United States that is made possible under the Census</p>

	<p>Bureau rules proposal related to "prison-based gerrymandering."</p> <p>The new proposal to continue this longstanding practice allows officials to count incarcerated persons as "residents" of the districts where they are imprisoned, though they are not allowed to actually vote while in prison.</p> <p>By designating a prison cell as a residence, the Census Bureau ensures that unfairness will define the redistricting process. This is unacceptable. If the incarcerated can not vote why count them at all. Depending on the State they may not be able to vote when they get out. Until they can vote again they should not be counted.</p> <p>The Census Bureau needs to update their rules to empower, not hurt minority communities unfairly over-represented in U.S. prisons.</p>
c00195	<p>I am contacting you to express concern for the nationwide manipulation of elections in the United States that is made possible under the Census Bureau rules proposal related to "prison-based gerrymandering."</p> <p>The new proposal to continue this longstanding practice allows officials to count incarcerated persons as "residents" of the districts where they are imprisoned, though they are not allowed to actually vote while in prison.</p> <p>By designating a prison cell as a residence, the Census Bureau ensures that unfairness will define the redistricting process. This is unacceptable.</p> <p>Incarcerated people care about the communities where they are from and where they will return. Even if they cannot vote, make their existence count for true representation!</p> <p>The Census Bureau needs to update their rules to empower, not hurt minority communities unfairly over-represented in U.S. prisons.</p>
c00196	<p>I am contacting you to express concern for the nationwide manipulation of elections in the United States that is made possible under the Census</p>

	<p>Bureau rules proposal related to "prison-based gerrymandering."</p> <p>The new proposal to continue this longstanding practice allows officials to count incarcerated persons as "residents" of the districts where they are imprisoned, though they are not allowed to actually vote while in prison.</p> <p>By designating a prison cell as a residence, the Census Bureau ensures that unfairness will define the redistricting process. This is unacceptable. Since the residence of the inmates is their home; the prison is an involuntary, usually temporary address; they should be counted at their home address.</p> <p>The Census Bureau needs to update their rules to empower, not hurt minority communities unfairly over-represented in U.S. prisons.</p>
c00197	<p>I am contacting you to express concern for the nationwide manipulation of elections in the United States that is made possible under the Census Bureau rules proposal related to "prison-based gerrymandering."</p> <p>The new proposal to continue this longstanding practice allows officials to count incarcerated persons as "residents" of the districts where they are imprisoned, though they are not allowed to actually vote while in prison.</p> <p>A person's temporary place (hotel room, prison cell, student dorm) is not a residence! prisoners should be counted in the census as being from their homes, not their cells.</p> <p>The Census Bureau needs to update their rules to empower, not hurt minority communities unfairly over-represented in U.S. prisons.</p>
c00198	<p>I am contacting you to express concern for the nationwide manipulation of elections in the United States that is made possible under the Census Bureau rules proposal related to "prison-based gerrymandering."</p> <p>The new proposal to continue this longstanding practice allows officials to count incarcerated persons as "residents" of the districts where they</p>

	<p>are imprisoned, though they are not allowed to actually vote while in prison.</p> <p>By designating a prison cell as a residence, the Census Bureau ensures that unfairness will define the redistricting process. This is unacceptable.</p> <p>It is utterly impossible for an incarcerated individual to vote!!!</p> <p>Kindly reverse this decision immediately.</p> <p>The Census Bureau needs to update their rules to empower, not hurt minority communities unfairly over-represented in U.S. prisons.</p>
c00199	<p>I am contacting you to express concern for the nationwide manipulation of elections in the United States that is made possible under the Census Bureau rules proposal related to "prison-based gerrymandering."</p> <p>The new proposal to continue this longstanding practice allows officials to count incarcerated persons as "residents" of the districts where they are imprisoned, though they are not allowed to actually vote while in prison.</p> <p>By designating a prison cell as a residence, the Census Bureau ensures that unfairness will define the redistricting process. This is unacceptable.</p> <p>Either allow prisoners to cast an absentee ballot in their districts, or remove them from the in-residence count. Districts must not get the benefit of population that does not have a voice.</p> <p>The Census Bureau needs to update their rules to empower, not hurt minority communities unfairly over-represented in U.S. prisons.</p>
c00200	<p>I am contacting you to express concern for the nationwide manipulation of elections in the United States that is made possible under the Census Bureau rules proposal related to "prison-based gerrymandering."</p>

	<p>The new proposal to continue this longstanding practice allows officials to count incarcerated persons as "residents" of the districts where they are imprisoned, though they are not allowed to actually vote while in prison.</p> <p>By designating a prison cell as a residence, the Census Bureau ensures that unfairness will define the redistricting process. This is unacceptable. It may be necessary to collect data from the prisons, but the data should include the last place of residence of the prisoners so that their numbers can be allocated properly to their home districts. The Census Bureau needs to update their rules to empower, not hurt minority communities unfairly over-represented in U.S. prisons.</p>
c00201	<p>I am contacting you to express concern for the nationwide manipulation of elections in the United States that is made possible under the Census Bureau rules proposal related to "prison-based gerrymandering."</p> <p>The new proposal to continue this longstanding practice allows officials to count incarcerated persons as "residents" of the districts where they are imprisoned, though they are not allowed to actually vote while in prison.</p> <p>By designating a prison cell as a residence, the Census Bureau ensures that unfairness will define the redistricting process. This is unacceptable. It's hard to understand how this transparent misrepresentation gets started, but it surely need not persist!</p> <p>The Census Bureau needs to update their rules to empower, not hurt minority communities unfairly over-represented in U.S. prisons.</p>
c00202	<p>I am contacting you to express concern for the nationwide manipulation of elections in the United States that is made possible under the Census Bureau rules proposal related to "prison-based gerrymandering."</p> <p>The new proposal to continue this longstanding practice allows officials to count incarcerated persons as "residents" of the districts where they are imprisoned, though they are not allowed to actually vote while in prison.</p>

	<p>By designating a prison cell as a residence, the Census Bureau ensures that unfairness will define the redistricting process. This is unacceptable. Please stop counting incarcerated people as living at prison for elections. Thankyou</p> <p>The Census Bureau needs to update their rules to empower, not hurt minority communities unfairly over-represented in U.S. prisons.</p>
c00203	<p>I am contacting you to express concern for the nationwide manipulation of elections in the United States that is made possible under the Census Bureau rules proposal related to "prison-based gerrymandering."</p> <p>The new proposal to continue this longstanding practice allows officials to count incarcerated persons as "residents" of the districts where they are imprisoned, though they are not allowed to actually vote while in prison.</p> <p>By designating a prison cell as a residence, the Census Bureau is contributing to unfairness in the redistricting process. This is unacceptable. Please end this practice.</p> <p>The Census Bureau needs to update their rules to empower, not hurt minority communities unfairly over-represented in U.S. prisons.</p>
c00204	<p>I am contacting you to express concern for the nationwide manipulation of elections in the United States that is made possible under the Census Bureau rules proposal related to "prison-based gerrymandering."</p> <p>The new proposal to continue this longstanding practice allows officials to count incarcerated persons as "residents" of the districts where they are imprisoned, though they are not allowed to actually vote while in prison.</p> <p>I am contacting you to express concern for the nationwide manipulation of elections in the United States that is made possible under the Census Bureau rules proposal related to "prison-based gerrymandering." By designating a prison cell as a residence, the Census Bureau ensures that</p>

	<p>unfairness will define the redistricting process. This is unacceptable. The new proposal to continue this longstanding practice allows officials to count incarcerated persons as "residents" of the districts where they are imprisoned, though they are not allowed to actually vote while in prison. The Census Bureau needs to update their rules to empower, not hurt minority communities unfairly over-represented in U.S. prisons.</p> <p>The Census Bureau needs to update their rules to empower, not hurt minority communities unfairly over-represented in U.S. prisons.</p>
c00205	<p>I am contacting you to express concern for the nationwide manipulation of elections in the United States that is made possible under the Census Bureau rules proposal related to "prison-based gerrymandering."</p> <p>The new proposal to continue this longstanding practice allows officials to count incarcerated persons as "residents" of the districts where they are imprisoned, though they are not allowed to actually vote while in prison.</p> <p>By designating a prison cell as a residence, the Census Bureau ensures that unfairness will define the redistricting process. This is unacceptable. This is especially important in places like Baltimore!</p> <p>The Census Bureau needs to update their rules to empower, not hurt minority communities unfairly over-represented in U.S. prisons.</p>
c00206	<p>I am contacting you to express concern for the nationwide manipulation of elections in the United States that is made possible under the Census Bureau rules proposal related to "prison-based gerrymandering."</p> <p>The new proposal to continue this longstanding practice allows officials to count incarcerated persons as "residents" of the districts where they are imprisoned, though they are not allowed to actually vote while in prison.</p> <p>By designating a prison cell as a residence, the Census Bureau ensures that unfairness will define the redistricting process. This is not right. The Bureau now has the chance to correct this situation and thereby</p>

	<p>restore the sense of community that exists in the hearts and minds of the incarcerated. As someone who has studied the effects of policies surrounding incarceration, I can tell you that connection with one's home community is key to rehabilitation. On the other hand, depleting the communities of large numbers of minority residents skews the make-up of the communities to their detriment. This cannot be a good thing. Counting the incarcerated as being in the communities from which they come therefore corrects a number of imbalances affecting both the incarcerated as individuals and the communities from which they come.</p> <p>The Census Bureau needs to update their rules to empower, not hurt minority communities unfairly over-represented in U.S. prisons.</p>
c00207	<p>I am contacting you to express concern for the nationwide manipulation of elections in the United States that is made possible under the Census Bureau rules proposal related to "prison-based gerrymandering."</p> <p>The new proposal to continue this longstanding practice allows officials to count incarcerated persons as "residents" of the districts where they are imprisoned, though they are not allowed to actually vote while in prison.</p> <p>By designating a prison cell as a residence, the Census Bureau ensures that unfairness will define the redistricting process. This is unacceptable. It is critical that these individuals be counted where they live, outside of the prison, not where the prison is located.</p> <p>The Census Bureau needs to update their rules to empower, not hurt minority communities unfairly over-represented in U.S. prisons.</p>
c00208	<p>I am contacting you to express concern for the nationwide manipulation of elections in the United States that is made possible under the Census Bureau rules proposal related to "prison-based gerrymandering."</p> <p>The new proposal to continue this longstanding practice allows officials to count incarcerated persons as "residents" of the districts where they are imprisoned, though they are not allowed to actually vote while in prison.</p>

	<p>Until incarcerated citizens can VOTE, use their HOME ADDRESS! Period. By designating a prison cell as a residence, the Census Bureau ensures that unfairness will define the redistricting process. This is unacceptable.</p> <p>The Census Bureau needs to update their rules to empower, not hurt minority communities unfairly over-represented in U.S. prisons.</p>
c00209	<p>I am contacting you to express concern for the nationwide manipulation of elections in the United States that is made possible under the Census Bureau rules proposal related to "prison-based gerrymandering."</p> <p>The new proposal to continue this longstanding practice allows officials to count incarcerated persons as "residents" of the districts where they are imprisoned, though they are not allowed to actually vote while in prison.</p> <p>By designating a prison cell as a residence, the Census Bureau ensures that unfairness will define the redistricting process. This is unacceptable.</p> <p>It is another form of gerrymandering.</p> <p>The Census Bureau needs to update their rules to empower, not hurt minority communities unfairly over-represented in U.S. prisons.</p>
c00210	<p>I am contacting you to express concern for the nationwide manipulation of elections in the United States that is made possible under the Census Bureau rules proposal related to "prison-based gerrymandering."</p> <p>The new proposal to continue this longstanding practice allows officials to count incarcerated persons as "residents" of the districts where they are imprisoned, though they are not allowed to actually vote while in prison.</p> <p>This practice of treating cells as residences gives rural communities that have by virtue of state siting of prisons or development of a private prison industry greater power than other communities. Also, it creates</p>

	<p>incentives to increase the size of the private prison industry at a time when more and more people recognize the need to reduce prison populations..</p> <p>This is not acceptable.</p> <p>The Census Bureau needs to update their rules to empower, not hurt minority communities unfairly over-represented in U.S. prisons.</p>
c00211	<p>I am contacting you to express concern for the nationwide manipulation of elections in the United States that is made possible under the Census Bureau rules proposal related to "prison-based gerrymandering."</p> <p>The new proposal to continue this longstanding practice allows officials to count incarcerated persons as "residents" of the districts where they are imprisoned, though they are not allowed to actually vote while in prison.</p> <p>When will you stop screwing the public and America's voters? By designating a prison cell as a residence, the Census Bureau ensures that unfairness will define the redistricting process. This is unacceptable.</p> <p>The Census Bureau needs to update their rules to empower, not hurt minority communities unfairly over-represented in U.S. prisons.</p>
c00212	<p>I am contacting you to express concern for the nationwide manipulation of elections in the United States that is made possible under the Census Bureau rules proposal related to "prison-based gerrymandering."</p> <p>The new proposal to continue this longstanding practice allows officials to count incarcerated persons as "residents" of the districts where they are imprisoned, though they are not allowed to actually vote while in prison.</p> <p>By designating a prison cell as a residence, the Census Bureau ensures that unfairness will define the redistricting process. This is unacceptable. As a former federal inmate, I can assure you that none of the places where I was held were near my home or near anywhere I will ever</p>

	<p>call home.</p> <p>The Census Bureau needs to update their rules to empower, not hurt minority communities unfairly over-represented in U.S. prisons.</p>
c00213	<p>I am contacting you to express concern for the nationwide manipulation of elections in the United States that is made possible under the Census Bureau rules proposal related to "prison-based gerrymandering."</p> <p>The new proposal to continue this longstanding practice allows officials to count incarcerated persons as "residents" of the districts where they are imprisoned, though they are not allowed to actually vote while in prison.</p> <p>By designating a prison cell as a residence, the Census Bureau ensures that unfairness will define the redistricting process. This is unacceptable.</p> <p>This manipulation of the voting process is being overturned in states like North Carolina. It is important for a country representing the people to avoid misrepresenting the democratic process.</p> <p>The Census Bureau needs to update their rules to empower, not hurt minority communities unfairly over-represented in U.S. prisons.</p>
c00214	<p>I am contacting you to express concern for the nationwide manipulation of elections in the United States that is made possible under the Census Bureau rules proposal related to "prison-based gerrymandering."</p> <p>The new proposal to continue this longstanding practice allows officials to count incarcerated persons as "residents" of the districts where they are imprisoned, though they are not allowed to actually vote while in prison.</p> <p>By designating a prison cell as a residence, the Census Bureau ensures that unfairness will define the redistricting process. This is unacceptable. The Census needs to account for incarcerated individuals who are unable to vote.</p>

	<p>The Census Bureau needs to update their rules to empower, not hurt minority communities unfairly over-represented in U.S. prisons.</p>
c00215	<p>I am contacting you to express concern for the nationwide manipulation of elections in the United States that is made possible under the Census Bureau rules proposal related to "prison-based gerrymandering."</p> <p>The new proposal to continue this longstanding practice allows officials to count incarcerated persons as "residents" of the districts where they are imprisoned, though they are not allowed to actually vote while in prison.</p> <p>I am appalled that that the Census Bureau is proposing to designate a prison cell as a residence, this is flatly NOT acceptable. By doing this the Census Bureau ensures that unfairness, discrimination and imbalance will define the redistricting process. I am also urging the President, my State's Senators and my Congressman to do whatever they can to oppose and overturn this proposal.</p> <p>The Census Bureau needs to update their rules to empower, not hurt minority communities unfairly over-represented in U.S. prisons.</p>
c00216	<p>I am contacting you to express concern for the nationwide manipulation of elections in the United States that is made possible under the Census Bureau rules proposal related to "prison-based gerrymandering."</p> <p>The new proposal to continue this longstanding practice allows officials to count incarcerated persons as "residents" of the districts where they are imprisoned, though they are not allowed to actually vote while in prison.</p> <p>By designating a prison cell as a residence, the Census Bureau ensures that unfairness will define the redistricting process. This is unacceptable.</p> <p>Please end this practice now. So long as incarcerated persons are not allowed to vote in elections, then these very same people shouldn't be</p>

	<p>counted for election purposes. That just makes no sense at all.</p> <p>The Census Bureau needs to update their rules to empower, not hurt minority communities unfairly over-represented in U.S. prisons.</p>
c00217	<p>I am contacting you to express concern for the nationwide manipulation of elections in the United States that is made possible under the Census Bureau rules proposal related to "prison-based gerrymandering."</p> <p>The new proposal to continue this longstanding practice allows officials to count incarcerated persons as "residents" of the districts where they are imprisoned, though they are not allowed to actually vote while in prison.</p> <p>With all due respect,</p> <p>By designating a prison cell as a residence, the Census Bureau ensures that unfairness will define the redistricting process. This is unacceptable and Census Bureau must immediately eliminate this policy and stop its practice!</p> <p>The Census Bureau needs to update their rules to empower, not hurt minority communities unfairly over-represented in U.S. prisons.</p>
c00218	<p>I am contacting you to express concern for the nationwide manipulation of elections in the United States that is made possible under the Census Bureau rules proposal related to "prison-based gerrymandering."</p> <p>The new proposal to continue this longstanding practice allows officials to count incarcerated persons as "residents" of the districts where they are imprisoned, though they are not allowed to actually vote while in prison.</p> <p>By designating a prison cell as a residence, the Census Bureau seems to be defeating virtually all the reasons a census is taken in that it fails to define the characteristics of an area, particularly when a prison sentence is short relative to the length of a census cycle. Not only does it distort the nature of an area with regard to the voter redistricting</p>

	<p>process but it would detach an inmate from his home district making any attempt to use the census to study imprisonment in an area impossible. I can think of no way in which it would make a census more meaningful.</p> <p>The Census Bureau needs to update their rules to empower, not hurt minority communities unfairly over-represented in U.S. prisons.</p>
c00219	<p>I am contacting you to express concern for the nationwide manipulation of elections in the United States that is made possible under the Census Bureau rules proposal related to "prison-based gerrymandering."</p> <p>The new proposal to continue this longstanding practice allows officials to count incarcerated persons as "residents" of the districts where they are imprisoned, though they are not allowed to actually vote while in prison.</p> <p>If the Census Bureau is a partisan organization that wants to increase rural representation in a sneaky and unethical fashion, then by all means, you should ignore this letter and continue your current practice. But please don't pretend that the current practice of designating a prison cell as a residence is anything other than unfair, illogical, and unacceptable.</p> <p>The Census Bureau needs to update their rules to empower, not hurt minority communities unfairly over-represented in U.S. prisons.</p>
c00220	<p>I am contacting you to express concern for the nationwide manipulation of elections in the United States that is made possible under the Census Bureau rules proposal related to "prison-based gerrymandering."</p> <p>The new proposal to continue this longstanding practice allows officials to count incarcerated persons as "residents" of the districts where they are imprisoned, though they are not allowed to actually vote while in prison.</p> <p>By designating a prison cell as a residence, the Census Bureau ensures that unfairness will define the redistricting process. This is unacceptable and yet another example of the "white privilege" that seems to be all around us.</p>

	<p>The Census Bureau needs to update their rules to empower, not hurt minority communities unfairly over-represented in U.S. prisons.</p>
c00221	<p>I am contacting you to express concern for the nationwide manipulation of elections in the United States that is made possible under the Census Bureau rules proposal related to "prison-based gerrymandering."</p> <p>The new proposal to continue this longstanding practice allows officials to count incarcerated persons as "residents" of the districts where they are imprisoned, though they are not allowed to actually vote while in prison.</p> <p>By designating a prison cell as a residence, the Census Bureau ensures that unfairness will define the redistricting process. This is unacceptable. These people aren't legally entitled to vote. It should be illegal to pad the ballot box, if it isn't already. Another attempt by the Republicans to sway the election in their favor. Up to their usual shenanigans.</p> <p>The Census Bureau needs to update their rules to empower, not hurt minority communities unfairly over-represented in U.S. prisons.</p>
c00222	<p>I am contacting you to express concern for the nationwide manipulation of elections in the United States that is made possible under the Census Bureau rules proposal related to "prison-based gerrymandering."</p> <p>The new proposal to continue this longstanding practice allows officials to count incarcerated persons as "residents" of the districts where they are imprisoned, though they are not allowed to actually vote while in prison.</p> <p>By designating a prison cell as a residence, the Census Bureau ensures that unfairness will define the redistricting process. This is unacceptable.</p> <p>The Census Bureau needs to update their rules to empower, not hurt minority communities unfairly over-represented in U.S. prisons.</p>

	<p>The Census Bureau needs to update their rules to empower, not hurt minority communities unfairly over-represented in U.S. prisons.</p>
c00223	<p>I am contacting you to express concern for the nationwide manipulation of elections in the United States that is made possible under the Census Bureau rules proposal related to "prison-based gerrymandering."</p> <p>The new proposal to continue this longstanding practice allows officials to count incarcerated persons as "residents" of the districts where they are imprisoned, though they are not allowed to actually vote while in prison.</p> <p>By designating a prison cell as a residence, the Census Bureau ensures that unfairness will define the redistricting process. This is unacceptable.</p> <p>This is not the only petition I've signed for this cause. We already have to deal with redistricting and unnecessary voter fraud laws. The international community has more diverse and functional elections than the United States. It will take some time to fix all of these problems, but this is a good place to start. Please count incarcerated people at their permanent addresses.</p> <p>The Census Bureau needs to update their rules to empower, not hurt minority communities unfairly over-represented in U.S. prisons.</p>
c00224	<p>Counting incarcerated people as "residents" of the correctional facility they are housed in at the time of the Census makes the Census less accurate for everyone: rural and urban communities; incarcerated people and their families; governmental authorities trying to draw accurate redistricting plans; researchers trying to understand the demographics of local communities.</p> <p>Prisoners should be counted in their home communities To which they will return.</p>
c00225	<p>I know this is being sponsored by a group active in many ways political. Still, there is something wrong with moving prisoners around for political body counts. If a person is serving a life term, he/she deservedly should be counted as being in that district. If, however, a person is serving a seven year term and has only a year left, he/she will be counted as living in that district for a protracted period of time, even though released to a home in another district.</p>

	<p>It seems to me that the Census Bureau has the authority to right some wrongs. I urge that it do so. Bureau of the United States of America—</p> <p>Counting incarcerated people as “residents” of the correctional facility the are housed in at the time of the Census makes the Census less accurate for everyone: rural and urban communities; incarcerated people and their families; governmental authorities trying to draw accurate redistricting plans; researchers trying to understand the demographics of local communities.</p> <p>As a concerned citizen I urge you to reconsider your counting methods around prisoners and instead count them in their home communities to ensure democratic, proportional representation.</p>
c00226	<p>Counting incarcerated people as “residents” of the correctional facility the are housed in at the time of the Census makes the Census less accurate for everyone: rural and urban communities; incarcerated people and their families; governmental authorities trying to draw accurate redistricting plans; researchers trying to understand the demographics of local communities.</p> <p>As a concerned citizen I urge you to reconsider your counting methods around prisoners and instead count them in their home communities to ensure democratic, proportional representation.</p> <p>They way in which people are counted also then not only takes away from the communities that formerly incarcerated people will be actually returning to and living in, but enhances the communities where the prisons are, which already get an awful lot of perks for the prison staff and surrounding areas - where prison staff spend their money.</p> <p>This way of counting disenfranchises people who are at risk even further and distorts democracy by not having an accurate count. Gerrymandering must stop.</p>
c00227	<p>Counting incarcerated people as “residents” of the correctional facility the are housed in at the time of the Census makes the Census less accurate for everyone: rural and urban communities; incarcerated people and their families; governmental authorities trying to draw accurate redistricting plans; researchers trying to understand the demographics of local communities.</p> <p>As a concerned citizen I urge you to reconsider your counting methods around prisoners and instead count them in their home communities to ensure democratic, proportional representation.</p> <p>There are many incarcerated that are not guilty of the offense of which they are incarcerated. They are citizens who should have a voice in the democratic process,</p>

c00228	<p>Counting incarcerated people as “residents” of the correctional facility the are housed in at the time of the Census makes the Census less accurate for everyone: rural and urban communities; incarcerated people and their families; governmental authorities trying to draw accurate redistricting plans; researchers trying to understand the demographics of local communities.</p> <p>I urge you to reconsider your counting methods around prisoners and instead count them in their home communities to ensure democratic, proportional representation.</p>
c00229	<p>Counting incarcerated people as “residents” of the correctional facility that are housed in at the time of the Census makes the Census less accurate for everyone: rural and urban communities; incarcerated people and their families; governmental authorities trying to draw accurate redistricting plans; researchers trying to understand the demographics of local communities.</p> <p>As a concerned citizen I urge you to reconsider your counting methods around prisoners and instead count them in their home communities, unless serving a life sentence, to ensure democratic, proportional representation.</p>
c00230	<p>Counting incarcerated people as “residents” of the correctional facility the are housed in at the time of the Census makes the Census less accurate for everyone: rural and urban communities; incarcerated people and their families; governmental authorities trying to draw accurate redistricting plans; researchers trying to understand the demographics of local communities.</p> <p>As a concerned citizen I urge you to reconsider your counting methods around prisoners and instead count them in their home communities to ensure democratic, proportional representation.</p> <p>I'm tired of all the tricks being used to ensure that African Americans are under represented in the electoral process. Let's end ALL of these roadblocks and distortions once and for all!</p>
c00231	<p>Counting incarcerated people as “residents” of the correctional facility the are housed in at the time of the Census makes the Census less accurate for everyone: rural and urban communities; incarcerated people and their families; governmental authorities trying to draw accurate redistricting plans; researchers trying to understand the demographics of local communities.</p> <p>As a concerned citizen I urge you to reconsider your counting methods around prisoners and instead count them in their home communities to ensure democratic, proportional representation. people should be counted in their homes not the jails.</p>
c00232	<p>I am writing to try to end prison gerrymandering. Counting incarcerated people as “residents” of the correctional facility they are housed in at the time of the Census makes the Census less accurate for everyone.</p>

	<p>I urge you to reconsider your counting methods around prisoners and instead count them in their home communities to ensure democratic, proportional representation.</p>
c00233	<p>Counting incarcerated people as “residents” of the correctional facility they are housed in at the time of the Census makes the Census less accurate for everyone: rural and urban communities; incarcerated people and their families; governmental authorities trying to draw accurate redistricting plans; researchers trying to understand the demographics of local communities.</p> <p>As a concerned citizen I urge you to reconsider your counting methods around prisoners and instead count them in their home communities to ensure democratic, proportional representation.</p>
c00234	<p>Counting incarcerated people as “residents” of the correctional facility they are housed in at the time of the Census makes the Census less accurate for everyone. This includes:</p> <ul style="list-style-type: none"> - rural and urban communities; - incarcerated people and their families; - governmental authorities trying to draw accurate redistricting plans; and - researchers trying to understand the demographics of local communities. <p>I urge you to reconsider your counting methods around prisoners and instead count them in their home communities to ensure democratic, proportional representation.</p>
c00235	<p>Counting incarcerated people as “residents” of the correctional facility they are housed in at the time of the Census makes the Census less accurate for everyone: rural and urban communities; incarcerated people and their families; governmental authorities trying to draw accurate redistricting plans; researchers trying to understand the demographics of local communities.</p> <p>As a concerned citizen I urge you to reconsider your counting methods around prisoners and instead count them in their home communities to ensure democratic, proportional representation. Our country is so corrupt and people suffer. Gerrymandering is awful and whoever is doing this needs to be penalized.</p>
c00236	<p>Counting incarcerated people as “residents” of the correctional facility they are housed in at the time of the Census makes the Census less accurate for everyone: rural and urban communities; incarcerated people and their families; governmental authorities trying to draw accurate redistricting plans; researchers trying to understand the demographics of local communities.</p> <p>As a voter who has had the right to vote taken from me, I understand entirely how other people feel when it happens to them. If prisoners have the right to vote, they should not have their votes diluted or removed by gerrymandering Republicans.</p>

	<p>As a concerned citizen I urge you to reconsider your counting methods around prisoners and instead count them in their home communities to ensure democratic, proportional representation.</p>
c00237	<p>Counting incarcerated people as “residents” of the correctional facility they are housed in at the time of the Census makes the Census less accurate for everyone: When redistricting, the prisoners are counted as living there and yet they can not vote. The Census should count the prisoners at their home address. At the same time, when redistricting is done, the home addresses should be used.</p> <p>Please reconsider your counting methods around prisoners and instead count them in their home communities to ensure democratic, proportional representation.</p>
c00238	<p>PLEASE DO NOT WASTE MY TAX! FEDERAL, STATE AND LOCAL MONIES ARE ALLOCATED PROPERLY ONLY WITH THE USE OF AN ACCURATE CENSUS! OTHERWISE MONIES ARE WASTED AND PROGRAMS FAIL! IT ALSO DENIES "ONE MAN, ONE VOTE!" REGISTER PRISONERS AT THEIR PERMANENT ADDRESS!!!</p> <p>Counting incarcerated people as “residents” of the correctional facility they are housed in at the time of the Census makes the Census less accurate for everyone: rural and urban communities; incarcerated people and their families; governmental authorities trying to draw accurate redistricting plans; researchers trying to understand the demographics of local communities.</p> <p>As a concerned citizen I urge you to reconsider your counting methods around prisoners and instead count them in their home communities to ensure democratic, proportional representation.</p>
c00239	<p>Counting incarcerated people as “residents” of the correctional facility they are housed in at the time of the Census makes the Census less accurate for everyone: rural and urban communities; incarcerated people and their families; governmental authorities trying to draw accurate redistricting plans; researchers trying to understand the demographics of local communities.</p> <p>As a concerned citizen I urge you to reconsider your counting methods around prisoners and instead count them in their home communities to ensure democratic, proportional representation. This needs to be corrected immediately, with an election only weeks away.</p>
c00240	<p>Counting incarcerated people as “residents” of the correctional facility they are housed in at the time of the Census makes the Census less accurate for everyone: rural and urban communities; incarcerated people and their families; governmental authorities trying to draw accurate redistricting plans; researchers trying to understand the demographics of local communities.</p> <p>As a concerned citizen I urge you to reconsider your counting methods around prisoners and instead count them in their home communities to ensure democratic, proportional representation.</p>

	<p>My husband and I work through our church with incarcerated people. From our personal experience, we have seen prisoners moved without notice within a short time for various reasons (as the stressed system tries to deal with overcrowding). It makes much more sense to count each person once in his/her home community, especially as that is where the person will need services once released.</p>
c00241	<p>Counting incarcerated people as “residents” of the correctional facility the are housed in at the time of the Census makes the Census less accurate for everyone: rural and urban communities; incarcerated people and their families; governmental authorities trying to draw accurate redistricting plans; researchers trying to understand the demographics of local communities.</p> <p>As a concerned citizen I urge you to reconsider your counting methods around prisoners and instead count them in their home communities to ensure democratic, proportional representation.</p> <p>Gerrymandering of all kinds is causing our electoral system to be unconstitutional and besides, many states--especially Florida--are preventing hundreds of thousands if not more than a million ex-felons from their right--not privilege--of voting.</p>
c00242	<p>The provision that authorizes and directs the Census Bureau to count prisoners as "residents" of the correctional facility the are housed in at the time of the Census is deceptive and unjust.</p> <p>It is deceptive, unethical, unjust and criminal to count a population that has no constitutional right to vote, a population that is being forcibly housed in an facility that they did not self-select -- i.e., prisoners -- as "residents" of a community they are not free to roam, participate in, become gainfully employed in -- a community where they are not free to access all the resources that community has to offer precisely because they are prisoners. Prisoners are an unfree population -- an unfree community onto itself. Not "residents" of the area in which they are forcibly housed.</p> <p>Counting prisoners as "residents" makes the Census less accurate for everyone: rural and urban communities; incarcerated people and their families; governmental authorities trying to draw accurate redistricting plans; researchers trying to understand the demographics of local communities.</p> <p>As a concerned citizen I urge you to reconsider your counting methods around prisoners and instead count them in their home communities to ensure democratic, proportional representation.</p>
c00243	<p>We must take steps now to address the needs of convicted individuals who return to their communities. Concrete methods, such as counting these people as residents of the homes they come back to, is a step towards justice.</p>

	<p>Counting incarcerated people as “residents” of the correctional facility they are housed in at the time of the Census makes the Census less accurate for everyone: rural and urban communities; incarcerated people and their families; governmental authorities trying to draw accurate redistricting plans; researchers trying to understand the demographics of local communities.</p> <p>As a concerned citizen I urge you to reconsider your counting methods around prisoners and instead count them in their home communities to ensure democratic, proportional representation.</p>
c00244	<p>Counting prisoners at incarceration facilities will distort democracy by padding the population counts of communities with prisons. When state and local officials use the Census Bureau’s prison count data attributing “residence” to the prison, they give extra representation to the communities that host the prisons and dilute the representation of everyone else.</p> <p>Counting incarcerated people at the location of the facility reduces the accuracy of the data about communities of color and undercuts the representation of these real communities. For example, because African-Americans and Latinos are disproportionately incarcerated, counting incarcerated people in the wrong location is particularly bad for proper representation of African-American and Latino communities, especially.</p> <p>Please adjust your methods before the next Census.</p>
c00245	<p>Counting prisoners at incarceration facilities will distort democracy by padding the population counts of communities with prisons. When state and local officials use the Census Bureau’s prison count data attributing “residence” to the prison, they give extra representation to the communities that host the prisons and dilute the representation of everyone else.</p> <p>Counting incarcerated people at the location of the facility reduces the accuracy of the data about communities of color and undercuts the representation of these real communities. For example, because African-Americans and Latinos are disproportionately incarcerated, counting incarcerated people in the wrong location is particularly bad for proper representation of African-American and Latino communities. The communities they will return to face underrepresentation because of this misguided count.</p> <p>This is harmful to rural communities that contain large prisons, because it seriously distorts redistricting at the local level of county commissions, city councils, and school boards.</p> <p>Please adjust your methods before the next Census.</p>

	<p>Thank you for your consideration on this important matter.</p>
<p>c00246</p>	<p>Counting prisoners at incarceration facilities will distort democracy by padding the population counts of communities with prisons. When state and local officials use the Census Bureau's prison count data attributing "residence" to the prison, they give extra representation to the communities that host the "non-participating" prisons and dilute the representation of everyone else.</p> <p>Counting incarcerated people at the location of the facility reduces the accuracy of the data about communities of color and undercuts the representation of these real communities. For example, because African-Americans and Latinos are disproportionately incarcerated, counting incarcerated people in the wrong location is particularly bad for proper representation of African-American and Latino communities. The communities they will return to face under-representation because of this misguided count.</p> <p>This is harmful to rural communities that contain large prisons, because it seriously distorts redistricting at the local level of county commissions, city councils, and school boards.</p> <p>Please adjust your methods before the next Census.</p>
<p>c00247</p>	<p>Counting prisoners at incarceration facilities will distort democracy by padding the population counts of communities with prisons. When state and local officials use the Census Bureau's prison count data attributing "residence" to the prison, they give extra representation to the communities that host the prisons and dilute the representation of everyone else.</p> <p>Counting incarcerated people at the location of the facility reduces the accuracy of the data about communities of color and undercuts the representation of these real communities. For example, because African-Americans and Latinos are disproportionately incarcerated, counting incarcerated people in the wrong location is particularly bad for proper representation of African-American and Latino communities. The communities they will return to face underrepresentation because of this misguided count.</p> <p>This is harmful to rural communities that contain large prisons, because it seriously distorts redistricting at the local level of county commissions, city councils, and school boards.</p> <p>Please adjust your methods before the next Census.</p> <p>AS a democracy we must be true to our Founders' goals and beliefs and do our best to make</p>

	<p>sure that all populations living in this country our accurately represented and counted.</p>
c00248	<p>Counting prisoners at incarceration facilities will distort democracy by padding the population counts of communities with prisons. When state and local officials use the Census Bureau’s prison count data attributing “residence” to the prison, they give extra representation to the communities that host the prisons and dilute the representation of everyone else.</p> <p>Counting incarcerated people at the location of the facility reduces the accuracy of the data about communities of color and undercuts the representation of these real communities. For example, because African-Americans and Latinos are disproportionately incarcerated, counting incarcerated people in the wrong location is particularly bad for proper representation of African-</p> <p>American and Latino communities. The communities they will return to face underrepresentation because of this misguided count.</p> <p>This is harmful to rural communities that contain large prisons, because it seriously distorts redistricting at the local level of county commissions, city councils, and school boards.</p> <p>Please adjust your methods before the next Census.</p> <p>When soldiers are stationed overseas, they still vote from their place of residence. If they are stationed in another state, even for many years, they can vote from their original community of residence, unless they choose to change it. The census needs to apply the same rules for everyone.</p>
c00249	<p>GIVE CITIZENS A FAIR SHOT!</p> <p>Counting prisoners at incarceration facilities will DISTORT DEMOCRACY by padding the population counts of communities with prisons. When state and local officials use the Census Bureau’s prison count data attributing “residence” to the prison, they give extra representation to the communities that host the prisons and dilute the representation of everyone else.</p> <p>Counting incarcerated people at the location of the facility REDUCES THE ACCURACY of the data about communities of color and UNDERCUTS the representation of these real communities. For example, because African-Americans and Latinos are disproportionately incarcerated, counting incarcerated people in the wrong location is particularly bad for proper representation of African-American and Latino communities. The communities they will return to face underrepresentation because of this misguided count.</p> <p>THIS IS HARMFUL to rural communities that contain large prisons, because it SERIOUSLY</p>

	<p>DISTORTS redistricting at the local level of county commissions, city councils, and school boards.</p> <p>Please ADJUST YOUR METHOD before the next Census.</p>
c00250	<p>As a social scientist whose work involves some demographic issues, I understand how complicated it can be to categorize different segments of the population for various purposes.</p> <p>Given that one of the fundamental uses of the census is to apportion representation in political terms, it is egregious to categorize prisoners on the basis of the place of their incarceration rather than their permanent residence outside the prison system.</p> <p>Counting prisoners at incarceration facilities will distort democracy by padding the population counts of communities with prisons. When state and local officials use the Census Bureau’s prison count data attributing “residence” to the prison, they give extra representation to the communities that host the prisons and dilute the representation of everyone else.</p> <p>Counting incarcerated people at the location of the facility reduces the accuracy of the data about communities of color and undercuts the representation of these real communities. For example, because African-Americans and Latinos are disproportionately incarcerated, counting incarcerated people in the wrong location is particularly bad for proper representation of African-American and Latino communities. The communities they will return to face underrepresentation because of this misguided count.</p> <p>This practice is also harmful to rural communities that contain large prisons, because it seriously distorts redistricting at the local level of county commissions, city councils, and school boards.</p> <p>Please adjust your methods before the next Census.</p>
c00251	<p>The prison population in the US has burgeoned in the past few decades. You know this. It's now to the point where counting prisoners as residents at the place of their incarceration will skew census statistics. You know this as well. Please fix it.</p> <p>Counting prisoners at incarceration facilities will distort democracy by padding the population counts of communities with prisons. When state and local officials use the Census Bureau’s prison count data attributing “residence” to the prison, they give extra representation to the communities that host the prisons and dilute the representation of everyone else.</p>

	<p>Counting incarcerated people at the location of the facility reduces the accuracy of the data about communities of color and undercuts the representation of these real communities. For example, because African-Americans and Latinos are disproportionately incarcerated, counting incarcerated people in the wrong location is particularly bad for proper representation of African-American and Latino communities. The communities they will return to face underrepresentation because of this misguided count.</p> <p>This practice is also harmful to rural communities that contain large prisons, because it seriously distorts redistricting at the local level of county commissions, city councils, and school boards.</p> <p>Please adjust your methods before the next Census.</p>
c00252	<p>Communities represented in prison are predominantly lower income communities of minorities. To undercount them because the residents are temporarily incarcerated is an unfair practice.</p> <p>Counting prisoners at incarceration facilities will distort democracy by padding the population counts of communities with prisons. When state and local officials use the Census Bureau's prison count data attributing "residence" to the prison, they give extra representation to the communities that host the prisons and dilute the representation of everyone else.</p> <p>Counting incarcerated people at the location of the facility reduces the accuracy of the data about communities of color and undercuts the representation of these real communities. For example, because African-Americans and Latinos are disproportionately incarcerated, counting incarcerated people in the wrong location is particularly bad for proper representation of African-American and Latino communities. The communities they will return to face underrepresentation because of this misguided count.</p> <p>This practice is also harmful to rural communities that contain large prisons, because it seriously distorts redistricting at the local level of county commissions, city councils, and school boards.</p> <p>Please adjust your methods before the next Census.</p>
c00253	<p>Counting prisoners at incarceration facilities will distort democracy by padding the population counts of communities with prisons. When state and local officials use the Census Bureau's prison count data attributing "residence" to the prison, they give extra representation to the communities that host the prisons and dilute the representation of everyone else.</p> <p>Counting incarcerated people at the location of the facility reduces the accuracy of the data</p>

	<p>about communities of color and undercuts the representation of these real communities. For example, because African-Americans and Latinos are disproportionately incarcerated, counting incarcerated people in the wrong location is particularly bad for proper representation of African-American and Latino communities. The communities they will return to face underrepresentation because of this misguided count.</p> <p>This practice is also harmful to rural communities that contain large prisons, because it seriously distorts redistricting at the local level of county commissions, city councils, and school boards. One of the factors prior to WWII, that contributed to conflict significantly, was the disenfranchisement of minority voting groups. Any form of gerrymandering corrupts democracy. Voters should be selecting their candidates not candidates selecting their voters. Regardless of our individual political views, there is a price to pay for distorting the democratic process in any way. Do the right thing the right way and be objective. Personal bias corrupts and violates the trust that all citizens need to have in their political system.</p> <p>Please adjust your methods before the next Census.</p>
c00254	<p>I am highly concerned about the practice of counting prisoners at incarceration facilities because it will distort democracy by padding the population counts of communities with prisons. When state and local officials use the Census Bureau’s prison count data attributing “residence” to the prison, they give extra representation to the communities that host the prisons and dilute the representation of everyone else.</p> <p>Counting incarcerated people at the location of the facility reduces the accuracy of the data about communities of color and undercuts the representation of these real communities. For example, because African-Americans and Latinos are disproportionately incarcerated, counting incarcerated people in the wrong location is particularly bad for proper representation of African-American and Latino communities. The communities they will return to face underrepresentation because of this misguided count.</p> <p>This practice is also harmful to rural communities that contain large prisons, because it seriously distorts redistricting at the local level of county commissions, city councils, and school boards.</p> <p>Please adjust your methods before the next Census.</p>
c00255	<p>Count their home location, not cell address. U.S. Census Bureau—</p> <p>Counting prisoners at incarceration facilities will distort democracy by padding the population</p>

	<p>counts of communities with prisons. When state and local officials use the Census Bureau’s prison count data attributing “residence” to the prison, they give extra representation to the communities that host the prisons and dilute the representation of everyone else.</p> <p>Counting incarcerated people at the location of the facility reduces the accuracy of the data about communities of color and undercuts the representation of these real communities. For example, because African-Americans and Latinos are disproportionately incarcerated, counting incarcerated people in the wrong location is particularly bad for proper representation of African-American and Latino communities. The communities they will return to face underrepresentation because of this misguided count.</p> <p>This practice is also harmful to rural communities that contain large prisons, because it seriously distorts redistricting at the local level of county commissions, city councils, and school boards.</p> <p>Please adjust your methods before the next Census.</p>
c00256	<p>I am writing to you to urge you to count incarcerated persons based on their home address, instead of the prison they are located in. When people are not counted in their home districts it skews the count of population for that district. The Census is important for this country. It impacts schools, infrastructure, medical facilities, first responders, spending ability for local and state governments and many other important aspects of managing the business of the many individual services citizens need and expect to receive from our governments.</p> <p>Counting prisoners at incarceration facilities will distort democracy by padding the population counts of communities with prisons. When state and local officials use the Census Bureau’s prison count data attributing “residence” to the prison, they give extra representation to the communities that host the prisons and dilute the representation of everyone else.</p> <p>Counting incarcerated people at the location of the facility reduces the accuracy of the data about communities of color and undercuts the representation of these real communities. For example, because African-Americans and Latinos are disproportionately incarcerated, counting incarcerated people in the wrong location is particularly bad for proper representation of African-American and Latino communities. The communities they will return to face underrepresentation because of this misguided count.</p> <p>This practice is also harmful to rural communities that contain large prisons, because it seriously distorts redistricting at the local level of county commissions, city councils, and school boards.</p>

	<p>Please adjust your methods before the next Census.</p>
c00257	<p>Counting prisoners at incarceration facilities will distort democracy by padding the population counts of communities with prisons. When state and local officials use the Census Bureau's prison count data attributing "residence" to the prison, they give extra representation to the communities that host the prisons and dilute the representation of everyone else.</p> <p>Counting incarcerated people at the location of the facility reduces the accuracy of the data about communities of color and undercuts the representation of these real communities. For example, because African-Americans and Latinos are disproportionately incarcerated, counting incarcerated people in the wrong location is particularly bad for proper representation of African-American and Latino communities. The communities they will return to face underrepresentation because of this misguided count.</p> <p>This practice is also harmful to rural communities that contain large prisons, because it seriously distorts redistricting at the local level of county commissions, city councils, and school boards.</p> <p>Please adjust your methods before the next Census.</p>
c00258	<p>I'm writing today to express displeasure with the practice of counting incarcerated people where they were confined at the time of the census, rather than their permanent address.</p> <p>This practice distorts our democracy by inflating population counts in areas where prisoners have no connection to the community they are counted in. Instead, they should be counted at their permanent address in the community they will return to after their period of incarceration ends.</p> <p>Most prisoners serve terms shorter than the duration of the census, and during their incarceration are often moved to multiple facilities. These facts create a real distortion of where people are and will be for the period between census counts.</p> <p>I urge you to reconsider the method of calculation used to record incarcerated people.</p>
c00259	<p>I am very unhappy with the practice of counting incarcerated people where they are confined at the time of the census, rather than at their legal permanent address.</p> <p>The current policy distorts our democracy by inflating population counts in areas where prisoners have no connection to the community. Instead, they should be counted at their permanent address in the community they will return to after their period of incarceration ends.</p>

	<p>Most prisoners serve terms shorter than the duration of the census, and during their incarceration are often moved to multiple facilities. These facts create a real distortion of where people are and will be for the period between census counts. Since the census affects representation, voting power, federal aid, and demographic statistics, the current practice of counting prisoners is inherently undemocratic and even racist.</p> <p>I urge you to reconsider the method of calculation used to record incarcerated people.</p>
c00260	<p>I'm writing today to express displeasure with the practice of counting incarcerated people where they confined at the time of the census, rather than their permanent address.</p> <p>This practice distorts our democracy by inflating population counts in areas where prisoners have no connection to the community they counted are in. Instead, they should be counted at their permanent address in the community they will return to after their period of incarceration ends.</p> <p>Most prisoners serve terms shorter than the duration of the census, and during their incarceration are often moved to multiple facilities. These facts create a real distortion of where people are and will be for the period between census counts.</p> <p>Jails are not residences, and only legal addressess of detainees should be considered. Where they actually vote upon completion of their sentence. Common sense.</p> <p>I urge you to reconsider the method of calculation used to record incarcerated people.</p>
c00261	<p>I'm writing today to express displeasure with the practice of counting incarcerated people where they are confined at the time of the census, rather than their permanent address.</p> <p>This practice distorts our democracy by inflating population counts in areas where prisoners have no connection to the community they counted are in. Instead, they should be counted at their permanent address in the community they will return to after their period of incarceration ends.</p> <p>Most prisoners serve terms shorter than the duration of the census, and during their incarceration are often moved to multiple facilities. These facts create a real distortion of where people are and will be for the period between census counts.</p> <p>I urge you to reconsider the method of calculation used to record incarcerated people.</p>
c00262	<p>I'm writing today to express displeasure with the practice of counting incarcerated people where</p>

	<p>they confined at the time of the census, rather than their permanent address.</p> <p>This practice distorts our democracy by inflating population counts in areas where prisoners have no connection to the community they counted are in. Instead, they should be counted at their permanent address in the community they will return to after their period of incarceration ends.</p> <p>Most prisoners serve terms shorter than the duration of the census, and during their incarceration are often moved to multiple facilities. These facts create a real distortion of where people are and will be for the period between census counts.</p> <p>I urge you to reconsider the method of calculation used to record incarcerated people.</p>
c00263	<p>I'm writing today to express displeasure with the practice of counting incarcerated people where they confined at the time of the census, rather than their permanent address.</p> <p>This practice distorts our democracy by inflating population counts in areas where prisoners have no connection to the community they are counted in. Instead, they should be counted at their permanent address in the community they will return to after their period of incarceration ends.</p> <p>Most prisoners serve terms shorter than the duration of the census, and during their incarceration are often moved to multiple facilities. These facts create a real distortion of where people are and will be for the period between census counts.</p> <p>If the Census Bureau proposes to count incarcerated people in the wrong place once again in the 2020 Census, it will continue to distort democracy.</p> <p>I urge you to reconsider the method of calculation used to record incarcerated people.</p>
c00264	<p>I'm writing about the flawed practice of counting incarcerated people where they are confined at the time of the census, rather than their permanent address.</p> <p>This practice distorts our democracy by inflating population counts in areas where prisoners have no connection to the community they are counted are in. Instead, they should be counted at their permanent address in the community they will return to after their period of incarceration ends.</p> <p>Most prisoners serve terms shorter than the duration of the census, and during their</p>

	<p>incarceration are often moved to multiple facilities. These facts create a real distortion of where people are and will be for the period between census counts. And as a result, program funding based on census counts is distorted.</p> <p>I urge you to reconsider the method of calculation used to record incarcerated people.</p>
c00265	<p>I'm writing today to express displeasure with the practice of counting incarcerated people where they confined at the time of the census, rather than their permanent address. This is may not be illegal but it is totally unethical.</p> <p>This practice distorts our democracy by inflating population counts in areas where prisoners have no connection to the community they counted are in. Instead, they should be counted at their permanent address in the community they will return to after their period of incarceration ends.</p> <p>Most prisoners serve terms shorter than the duration of the census, and during their incarceration are often moved to multiple facilities. These facts create a real distortion of where people are and will be for the period between census counts.</p> <p>I urge you to reconsider the method of calculation used to record incarcerated people.</p> <p>This borders on being illegal.</p>
c00266	<p>I am a retired professor of sociology and know quite a bit about the U.S. Census and redistricting as well as incarceration. I am writing today to express displeasure with the practice of counting incarcerated people where confined at the time of the census rather than their permanent addresses.</p> <p>This practice distorts our democracy by inflating population counts in areas where prisoners have no connection to the community in which they are they are counted. They should be counted at their permanent addresses in the communities they will return to upon release. If this location is unclear, then their last permanent address should be used.</p> <p>Most prisoners serve terms shorter than the duration of the census, and during their incarceration are often moved to multiple facilities. These facts create a real distortion of where people are and will be for the period between census counts.</p> <p>I understand that Census counts are also used for distribution of federal funds. However, funds</p>

	<p>for jails and prisons usually are separate budgets based on prison populations. The founding fathers instituted census counts primarily for the proper redistricting and fair representation. Ideally, the census attains truly equal representation. In these times of efforts to suppress votes and radically gerrymander districts, special care should be taken with issues of representation.</p> <p>I urge you to reconsider the method of calculation used to record incarcerated people.</p>
c00267	<p>I'm writing today to express displeasure with the practice of counting incarcerated people where they confined at the time of the census, rather than their permanent address. You are fabricating the truth.</p> <p>This practice distorts our democracy by inflating population counts in areas where prisoners have no connection to the community they counted are in. Instead, they should be counted at their permanent address in the community they will return to after their period of incarceration ends.</p> <p>Most prisoners serve terms shorter than the duration of the census, and during their incarceration are often moved to multiple facilities. These facts create a real distortion of where people are and will be for the period between census counts.</p> <p>I urge you to reconsider the method of calculation used to record incarcerated people.</p>
c00268	<p>Census numbers are the bases for an unlimited number of vital research issues that end up affecting individual lives in countless ways. Census numbers must be accurate if our democracy is to function properly and at its best as a result of all this research.</p> <p>The method of counting incarcerated people by their location of incarcerated at the time of census rather than their permanent residence as is done for students, military, non-citizens, etc. distorts research results and thus incorrect decision making.</p> <p>This method or practice is unconstitutional and must stop be adjusted before the next census count so that the incarcerated are counted in the same manner as any other population group census count is done.</p>
c00269	<p>I'm writing today to express displeasure with the practice of counting incarcerated people where they confined at the time of the census, rather than their permanent address.</p> <p>This practice distorts our democracy by inflating population counts in areas where prisoners have no connection to the community they counted are in. Instead, they should be counted at their permanent address in the community they will return to after their period of incarceration</p>

	<p>ends.</p> <p>Most prisoners serve terms shorter than the duration of the census, and during their incarceration are often moved to multiple facilities. These facts create a real distortion of where people are and will be for the period between census counts.</p> <p>The United States incarcerates a higher percentage of citizens than any other nation, and particularly those in poor and Black neighborhoods, and counting them as prison residents distorts that representation of entire communities.</p> <p>I urge you to reconsider the method of calculation used to record incarcerated people.</p>
c00270	<p>I'm writing today to express displeasure with the practice of counting incarcerated people where they confined at the time of the census, rather than their permanent address.</p> <p>This practice distorts our democracy by inflating population counts in areas where prisoners have no connection to the community they counted are in. Instead, they should be counted at their permanent address in the community they will return to after their period of incarceration ends.</p> <p>Most prisoners serve terms shorter than the duration of the census, and during their incarceration are often moved to multiple facilities. These facts create a real distortion of where people are and will be for the period between census counts.</p> <p>I urge you to reconsider the method of calculation used to record incarcerated people. It's the only way to make representation fair.</p>
c00271	<p>This is an important issue that should not be ignored! I'm writing today to express displeasure with the practice of counting incarcerated people where they confined at the time of the census, rather than their permanent address.</p> <p>This practice distorts our democracy by inflating population counts in areas where prisoners have no connection to the community they counted are in. Instead, they should be counted at their permanent address in the community they will return to after their period of incarceration ends.</p> <p>Most prisoners serve terms shorter than the duration of the census, and during their incarceration are often moved to multiple facilities. These facts create a real distortion of where</p>

	<p>people are and will be for the period between census counts.</p> <p>I strongly urge you to reconsider the method of calculation used to record incarcerated people. Everyone is part of the process and should be counted as such even if they are temporarily incarcerated.</p>
c00272	<p>I'm writing today to express displeasure with the practice of counting incarcerated people where they confined at the time of the census, rather than their permanent address.</p> <p>This practice distorts our democracy by inflating population counts in areas where prisoners have no connection to the community they counted are in. Instead, they should be counted at their permanent address in the community they will return to after their period of incarceration ends.</p> <p>Most prisoners serve terms shorter than the duration of the census, and during their incarceration are often moved to multiple facilities. These facts create a real distortion of where people are and will be for the period between census counts.</p> <p>I urge you to reconsider the method of calculation used to record incarcerated people.</p> <p>It is the smart choice and the right thing to do. We already have to deal with redistricting and unnecessary voter fraud laws. It is depressing to know that the international community has more diverse and functional elections than the United States. It will take some time to fix all of these problems, but this is a good place to start. Please count incarcerated people at their permanent addresses.</p>
c00273	<p>I'm writing today to express displeasure with the practice of counting incarcerated people where they confined at the time of the census, rather than their permanent address.</p> <p>This practice distorts our democracy by inflating population counts in areas where prisoners have no connection to the community they counted are in. Instead, they should be counted at their permanent address in the community they will return to after their period of incarceration ends.</p> <p>Most prisoners serve terms shorter than the duration of the census, and during their incarceration are often moved to multiple facilities. These facts create a real distortion of where people are and will be for the period between census counts.</p>

	<p>The inflation of the count where the prisons are located also gives disproportionate power to those who support private for-profit prisons, which is problematic in itself, as the incentive will be to increase prison population regardless of whether that benefits any other part of our society.</p> <p>I urge you to reconsider the method of calculation used to record incarcerated people.</p>
c00274	<p>The practice of counting incarcerated people where they confined at the time of the census, rather than their permanent address, is clearly unfair.</p> <p>It is interesting that no similar position is taken with regard to college students (less likely to be poor, and less likely to be people of color).</p> <p>This practice distorts our democracy by inflating population counts in areas where prisoners have no connection to the community they counted are in. These inflated counts result in overrepresentation in Congress and state houses of districts that house prisons, and underrepresentation of poor and minority districts.</p> <p>Why should the Census bureau become a party to the toxic effects of mass incarceration on our communities and our democracy? Prisoners should be counted at their permanent address in the community they will return to after their period of incarceration ends.</p> <p>Such a count would also be more accurate. Most prisoners serve terms shorter than the duration of the census, and during their incarceration are often moved to multiple facilities. These facts create a real distortion of where people are and will be for the period between census counts.</p> <p>I urge you to reconsider the method of calculation used to record incarcerated people.</p>
c00275	<p>I am appalled that "gerrymandering" exists to disenfranchise inmates from their community and voting rights.</p> <p>I'm writing today to express displeasure with the practice of counting incarcerated people where they confined at the time of the census, rather than their permanent address.</p> <p>This practice distorts our democracy by inflating population counts in areas where prisoners have no connection to the community they counted are in. Instead, they should be counted at their permanent address in the community they will return to after their period of incarceration ends.</p> <p>Most prisoners serve terms shorter than the duration of the census, and during their</p>

	<p>incarceration are often moved to multiple facilities. These facts create a real distortion of where people are and will be for the period between census counts.</p> <p>I urge you to reconsider the method of calculation used to record incarcerated people. The current method has a devastating effect in terms of resources not allocated to the permanent home districts of the former inmates.</p>
c00276	<p>I'm writing today to express displeasure with the practice of counting incarcerated people where they confined at the time of the census, rather than their permanent address.</p> <p>This practice distorts our democracy by inflating population counts in areas where prisoners have no connection to the community they counted are in. Instead, they should be counted at their permanent address in the community they will return to after their period of incarceration ends.</p>
c00277	<p>I'm writing today to express my displeasure with the practice of counting incarcerated people where they are confined at the time of the census, rather than their permanent address.</p> <p>This practice distorts our democracy by inflating population counts in areas where prisoners have no connection to the community they are counted are in. Instead, they should be counted at their permanent address in the community they will return to after their period of incarceration ends.</p> <p>Most prisoners serve terms shorter than the duration of the census, and during their incarceration are often moved to multiple facilities. These facts create a real distortion of where people are and will be for the period between census counts.</p> <p>I urge you to reconsider the method of calculation used to record incarcerated people. Thank you.</p>
c00278	<p>I'm writing today to express displeasure with the practice of counting incarcerated people where they are confined at the time of the census, rather than their permanent address.</p> <p>This practice distorts our democracy by inflating population counts in areas where prisoners have no connection to the community they are counted are in. Instead, they should be counted at their permanent address in the community they will return to after their period of incarceration ends.</p> <p>Most prisoners serve terms shorter than the duration of the census, and during their incarceration are often moved to multiple facilities. These facts create a real distortion of where people are and will be for the period between census counts.</p>

	<p>I urge you to reconsider the method of calculation used to record incarcerated people.</p> <p>For a more perfect Union</p>
c00279	<p>I am writing to express displeasure with the practice of counting incarcerated people where they are confined at the time of the census, rather than their permanent address.</p> <p>This practice distorts our democracy by inflating population counts in areas where prisoners have no connection to the community they counted are in. Instead, they should be counted at their permanent address in the community they will return to after their period of incarceration ends.</p> <p>Most prisoners serve terms shorter than the duration of the census, and during their incarceration are often moved to multiple facilities. These facts create a real distortion of where people are and will be for the period between census counts.</p> <p>I urge you to reconsider the method of calculation used to record incarcerated people.</p>
c00280	<p>I'm writing today to call for the bureau to stop the practice of counting incarcerated people where they are confined at the time of the census, rather than their permanent address.</p> <p>This practice distorts our democracy by inflating population counts in areas where prisoners have no connection to the community where they are counted. Instead, they should be counted at their permanent address in the community they will return to after their period of incarceration ends.</p> <p>Most prisoners serve terms shorter than the duration of the census, and during their incarceration are often moved to multiple facilities. These facts create a real distortion of where people are and will be for the period between census counts.</p> <p>I urge you to reconsider the method of calculation used to record incarcerated people.</p>
c00281	<p>I'm writing today to express displeasure with the practice of counting incarcerated people where they confined at the time of the census, rather than their permanent address.</p> <p>This practice distorts our democracy by inflating population counts in areas where prisoners have no connection to the community they counted are in. Instead, they should be counted at their permanent address in the community they will return to after their period of incarceration ends.</p>

	<p>Most prisoners serve terms shorter than the duration of the census, and during their incarceration are often moved to multiple facilities. These facts create a real distortion of where people are and will be for the period between census counts. When communities are robbed of resources due to political gerrymandering like this more people fall into homelessness, a situation no citizen in the U.S. should have to experience, especially the innocent children whose physical and emotional health are put at great risk when their families become homeless due to lack of resources to help them.</p> <p>I urge you to reconsider the method of calculation used to record incarcerated people.</p>
c00282	<p>I'm writing today to express displeasure with the practice of counting incarcerated people where they are confined at the time of the census, rather than their permanent address.</p> <p>This practice distorts our democracy by inflating population counts in areas where prisoners have no connection to the community they are counted in. Instead, they should be counted at their permanent address in the community they will return to after their period of incarceration ends.</p> <p>Most prisoners serve terms shorter than the duration of the census, and during their incarceration are often moved to multiple facilities. These facts create a real distortion of where people are and will be for the period between census counts.</p> <p>I urge you to reconsider the method of calculation used to record incarcerated people. It would be most fair to all when a census is taken to include those who are incarcerated at the address that they were living at the time of incarceration, especially when they will be returning to that permanent address after incarceration! Let's be fair and stop being diabolical and devious!</p>
c00283	<p>I'm writing today to express displeasure with the practice of counting incarcerated people where they confined at the time of the census, rather than their permanent address.</p> <p>This practice distorts our democracy by inflating population counts in areas where prisoners have no connection to the community they counted are in. Instead, they should be counted at their permanent address in the community they will return to after their period of incarceration ends.</p> <p>Most prisoners serve terms shorter than the duration of the census, and during their</p>

	<p>incarceration are often moved to multiple facilities. These facts create a real distortion of where people are and will be for the period between census counts.</p> <p>Unlike college students, while they're in prison, they are not allowed to vote, and so effectively, they are not citizens while they are there.</p> <p>I urge you to reconsider the method of calculation used to record incarcerated people.</p>
c00284	<p>Addressing the U.S Census Bureau regarding the Census count of prisoners—</p> <p>Incarcerated people should be counted at their permanent address and the communities they will return to after their sentence has been served.</p> <p>The practice of counting prison inmates as local residents in the prison area is simply wrong in many ways including the following:</p> <ul style="list-style-type: none"> . It dilutes the clout of voters in districts without prisons. . Since incarcerated populations are disproportionately heavy with people of color, it removes proportional representation from already marginalized communities of color and shifts representation to communities that are not connected to or reflective of the actual prison population. <p>Please take action to correct this unjust infringement on a basic constitutional right. Thank you.</p>
c00285	<p>Addressing the U.S Census Bureau regarding the Census count of prisoners—</p> <p>Incarcerated people should be counted at their permanent address and the communities they will return to after their sentence has been served.</p> <p>Counting prison inmates as local residents in the prison area dilutes the clout of voters in other districts without prisons. Given the demographics of incarcerated populations which are disproportionately heavy with people of color these prison-gerrymandered districts claim political representation from already marginalized communities of color.</p>
c00286	<p>Addressing the U.S Census Bureau regarding the Census count of prisoners—</p> <p>Incarcerated people should be counted at their permanent address and the communities they will return to after their sentence has been served.</p> <p>The practice of counting prison inmates as local residents in the prison area dilutes the clout of</p>

	<p>voters in other districts without prisons. And, given the demographics of incarcerated populations which are disproportionately heavy with people of color these prison-gerrymandered districts claim political representation from already marginalized communities of color.</p> <p>GERRYMANDERING IS ILLEGAL AND IMMORAL.</p> <p>I FIND IT SOMEWHAT IRONIC THAT THE PARTY MOST RESPONSIBLE FOR GERRYMANDERING IS THE REPUBLICAN ONE WITH ALL OF THEIR RIGHT-WING "CHRISTIANS".</p> <p>THEY SEEM TO FEEL THEY HAVE TO CHEAT IN ORDER TO WIN ELECTIONS. IF THEY TRIED CHAMPIONING IDEAS THAT WE, THE PEOPLE ACTUALLY SUPPORT, RATHER THAN CATERING TO THEIR WEALTHY PUPPET-MASTERS, THEY WOULD HAVE NO NEED FOR GERRYMANDERING.</p> <p>PLEASE DEMONSTRATE THAT YOU ARE ABOVE SUCH POLITICAL BULLS <u> </u> T.</p>
c00287	<p>Addressing the U.S Census Bureau regarding the Census count of prisoners—</p> <p>Incarcerated people should be counted at their permanent address and the communities they will return to after their sentence has been served.</p> <p>The practice of counting prison inmates as local residents in the prison area dilutes the clout of voters in other districts without prisons. And, given the demographics of incarcerated populations which are disproportionately heavy with people of color these prison-gerrymandered districts claim political representation from already marginalized communities of color.</p> <p>The great injustice of disproportionate incarceration of people of color is a stain on our nation. The Census Bureau can help redress one of the many terrible consequences of this injustice by counting prisoners as residents of their home communities.</p>
c00288	<p>Addressing the U.S Census Bureau regarding the Census count of prisoners—</p> <p>Incarcerated people should be counted at their permanent address and the communities they will return to after their sentence has been served.</p> <p>The practice of counting prison inmates as local residents in the prison area dilutes the clout of voters in other districts without prisons. And, given the demographics of incarcerated populations</p>

	<p>which are disproportionately heavy with people of color these prison-gerrymandered districts claim political representation from already marginalized communities of color.</p> <p>There has been too much killing in the country to have it continue almost daily, I demand my Senators vote to pass common-sense gun laws. Things are already getting out of hand with senseless killings. Do the right thing and VOTE for the Universal Backgro</p>
c00289	<p>Addressing the U.S Census Bureau regarding the Census count of prisoners—</p> <p>Prison gerrymandering distorts the true population picture. Prisoners should be counted at their home address, not the address of the prison. Please correct this situation immediately. Incarcerated people should be counted at their permanent address and the communities they will return to after their sentence has been served.</p> <p>The practice of counting prison inmates as local residents in the prison area dilutes the clout of voters in other districts without prisons. And, given the demographics of incarcerated populations which are disproportionately heavy with people of color these prison-gerrymandered districts claim political representation from already marginalized communities of color.</p>
c00290	<p>Addressing the U.S Census Bureau regarding the Census count of prisoners—</p> <p>Incarcerated people should be counted at their permanent address and the communities they will return to after their sentence has been served.</p> <p>The practice of counting prison inmates as local residents in the prison area dilutes the clout of voters in other districts without prisons. And, given the demographics of incarcerated populations which are disproportionately heavy with people of color these prison-gerrymandered districts claim political representation from already marginalized communities of color.</p> <p>Also, I would like to add</p> <p>I think that prison should only be for violent offenders, and not for drug use, because drug addiction is a medical issue, and should be handled by the medical community instead.</p> <p>Thank you.</p>
c00291	<p>Addressing the U.S Census Bureau regarding the Census count of prisoners—</p> <p>Incarcerated people should be counted at their permanent address and the communities they</p>

	<p>will return to after their sentence has been served.</p> <p>The practice of counting prison inmates as local residents in the prison location dilutes the clout of voters in other districts without prisons. Given the demographics of incarcerated populations which are disproportionately heavy with people of color these prison-gerrymandered districts claim political representation from already marginalized communities of color.</p>
c00292	<p>Addressing the U.S Census Bureau regarding the Census count of prisoners—</p> <p>Incarcerated people should be counted at their permanent address and the communities they will return to after their sentence has been served.</p> <p>The practice of counting prison inmates as local residents in the prison location dilutes the clout of voters in other districts without prisons. Given the demographics of incarcerated populations which are disproportionately heavy with people of color these prison-gerrymandered districts claim political representation from already marginalized communities of color.</p>
c00293	<p>Addressing the U.S Census Bureau re the Census count of prisoners—</p> <p>Incarcerated people should be counted at their permanent, home address and the communities to which they will return after their sentence has been served.</p> <p>The practice of counting prison inmates as local residents in the prison area dilutes the clout of voters in other districts without prisons. And, given the demographics of incarcerated populations, which are disproportionately heavy with people of color, these prison-gerrymandered districts claim political representation from already marginalized communities of color.</p>
c00294	<p>Addressing the U.S Census Bureau regarding the Census count of prisoners—</p> <p>Incarcerated people should be counted at their permanent address and the communities they will return to after their sentence has been served.</p> <p>The practice of counting prison inmates as local residents in the prison area dilutes the clout of voters in other districts without prisons. And, given the demographics of incarcerated populations which are disproportionately heavy with people of color these prison-gerrymandered districts claim political representation from already marginalized communities of color. ANY ATTEMPT AT STOPING VOTERS FOR ANY REASON IS UNAMERICAN THIS IS OMLY AN ATTEMPT TO STEAL ELECTIONS OTHER ATTEMPTS HAVE BEEN STOPPED. PLEASE STOP THIS</p>

	INJUSTICE.
c00295	<p>incarcerated people in the location of the prison, Incarcerated people should be counted at their permanent address and the communities they will return to after their sentence has been served.</p> <p>The practice of counting prison inmates as local residents in the prison area dilutes the clout of voters in districts without prisons. Given the demographics of incarcerated populations which are disproportionately heavy with people of color these prison-gerrymandered districts claim political representation from already marginalized communities of color. They also shift this power to primarily white, often rural districts which are frequently conservative in politics.</p>
c00296	<p>Addressing the U.S Census Bureau regarding the Census count of prisoners—</p> <p>Incarcerated people should be counted at their permanent address and the communities they will return to after their sentence has been served.</p> <p>The practice of counting prison inmates as local residents in the prison area dilutes the clout of voters in other districts without prisons. And, given the demographics of incarcerated populations which are disproportionately heavy with people of color these prison-gerrymandered districts claim political representation from already marginalized communities of color.</p>
c00297	<p>Addressing the U.S Census Bureau regarding the Census count of prisoners—</p> <p>Incarcerated people should be counted at their permanent address and the communities they will return to after their sentence has been served.</p> <p>The practice of counting prison inmates as local residents in the prison area dilutes the clout of voters in other districts without prisons. And, given the demographics of incarcerated populations which are disproportionately heavy with people of color these prison-gerrymandered districts claim political representation from already marginalized communities of color. Are college students counted as permanent residents of that college? No? Then why is it any different?</p>
c00298	<p>I am concerned about the way that incarcerated citizens are counted in the decadal Census. These citizens are often moved frequently during their incarceration and therefore should be counted at their "home" address--the address they will return to when they are released.</p> <p>Counting incarcerated people in the facility of detainment at the time of the Census creates an inaccurate data set for the ten years between census and therefore distorts democracy and</p>

	<p>representation.</p> <p>According to the United States Sentencing Commission, more than 50% of federal prisoners serve less than five years. In states across the country, most prisoners serve short sentences--averaging three years--and are moved around often during that time. In Rhode Island, the average is 100 days. In Georgia, the average prisoner is transferred four times. In New York, the median average for time in a facility is seven months.</p> <p>By counting incarcerated people in any of these temporary facilities instead of their permanent addresses, the Census is providing an inaccurate count that will have longstanding implications for the communities being misrepresented.</p> <p>I urge you to reconsider data collection methods and count incarcerated people at their permanent address which is often required by correctional facilities.</p>
c00299	<p>Counting people in prison as locals during the Census count creates an inaccurate and misleading data set for the following ten years. This practice completely distorts democracy and representation.</p> <p>Across the country, most prisoners serve short sentences--averaging three years--and are moved around often during that time. According to the US Sentencing Commission, over 50% of federal prisoners serve less than five years. In Rhode Island, the average is 100 days. In Georgia, the average prisoner is transferred four times. In New York, the median (average?) for time in a facility is seven months.</p> <p>By counting temporarily incarcerated people as resident in prison instead of at their permanent addresses, the Census, the basic statistic describing any country, provides an inaccurate count that has longstanding implications for the communities being misrepresented - positive for those purporting to be bigger than they are and negative for those needing all the population they actually have to benefit from population-based allocation formulas both federal and state.</p> <p>Please! Reconsider data collection methods. Count incarcerated people at their permanent address, typically known and required by correctional facilities.</p>
c00300	<p>Counting incarcerated people as "residents" during the Census creates inaccurate data for the ten years between each census.</p> <p>This practice distorts democracy and representation.</p>

	<p>According to the United States Sentencing Commission, over 50% of federal prisoners serve LESS than five years. Across the country, most prisoners serve short sentences--averaging three years--and are moved around often during that time.</p> <p>For examples, an average sentence is 100 days in Rhode Island. In Georgia, the average prisoner is transferred four times. In New York, the median average for time in a facility is only seven months.</p> <p>By counting incarcerated people in these temporary facilities instead of their permanent addresses, the Census provides an inaccurate count that will have longstanding implications for the communities misrepresented.</p> <p>We strongly urge you to please reconsider data collection methods and count incarcerated people at their permanent address which is often required by correctional facilities.</p>
c00301	<p>Please consider counting incarcerated people at their permanent home address, rather than in the facility of detainment at the time of the Census. The current system creates an inaccurate data set for the ten years between census and therefore distorts democracy and representation.</p> <p>According to the United States Sentencing Commission, more than 50% of federal prisoners serve less than five years. In states across the country, most prisoners serve short sentences--averaging three years--and are moved around often during that time. In Rhode Island, the average is 100 days. In Georgia, the average prisoner is transferred four times. In New York, the median average for time in a facility is seven months.</p> <p>By counting incarcerated people in any of these temporary facilities instead of their permanent addresses, the Census is providing an inaccurate count that will have longstanding implications for the communities being misrepresented.</p> <p>I urge you to reconsider data collection methods and count incarcerated people at their permanent address which is often required by correctional facilities.</p>
c00302	<p>I am writing to encourage The Census Bureau to count incarcerated people at their permanent residences and not in the facility of detainment at the time of the Census.</p> <p>According to the United States Sentencing Commission, more than 50% of federal prisoners serve less than five years. In states across the country, most prisoners serve short sentences--averaging three years--and are moved around often during that time.</p>

	<p>By counting incarcerated people in any of these temporary facilities instead of their permanent addresses, the Census is providing an inaccurate count that will have longstanding implications for the communities being misrepresented.</p> <p>I urge you to reconsider data collection methods and count incarcerated people at their permanent address which is often required by correctional facilities.</p>
c00303	<p>Mass incarceration must be reversed. This is one way to mitigate our national misuse of people and the law.</p> <p>Counting incarcerated people in the facility of detainment at the time of the Census creates an inaccurate data set for the ten years between census and therefore distorts democracy and representation.</p> <p>According to the United States Sentencing Commission, more than 50% of federal prisoners serve less than five years. In states across the country, most prisoners serve short sentences--averaging three years--and are moved around often during that time. In Rhode Island, the average is 100 days. In Georgia, the average prisoner is transferred four times. In New York, the median average for time in a facility is seven months.</p> <p>By counting incarcerated people in any of these temporary facilities instead of their permanent addresses, the Census is providing an inaccurate count that will have longstanding implications for the communities being misrepresented.</p> <p>I urge you to reconsider data collection methods and count incarcerated people at their permanent address which is often required by correctional facilities.</p>
c00304	<p>Counting incarcerated people in the facility of detainment at the time of the Census creates an inaccurate data set for the ten years between census and therefore distorts democracy and representation.</p> <p>According to the United States Sentencing Commission, more than 50% of federal prisoners serve less than five years. In states across the country, most prisoners serve short sentences--averaging three years--and are moved around often during that time. In Rhode Island, the average is 100 days. In Georgia, the average prisoner is transferred four times. In New York, the median average for time in a facility is seven months.</p> <p>By counting incarcerated people in any of these temporary facilities instead of their permanent addresses, the Census is providing an inaccurate count that will have longstanding implications for the communities being misrepresented.</p> <p>I urge you to reconsider data collection methods and count incarcerated people at their</p>

	<p>permanent address which is often required by correctional facilities.</p>
c00305	<p>Please let's be fair. here.. it is partly due to the conditions in the hometown/city of the incarcerated person that has contributed to that person being incarcerated in the first place! Counting incarcerated people in the facility of detainment at the time of the Census creates an inaccurate data set for the ten years between census and therefore distorts democracy and representation.</p> <p>According to the United States Sentencing Commission, more than 50% of federal prisoners serve less than five years. In states across the country, most prisoners serve short sentences--averaging three years--and are moved around often during that time. In Rhode Island, the average is 100 days. In Georgia, the average prisoner is transferred four times. In New York, the median average for time in a facility is seven months.</p> <p>By counting incarcerated people in any of these temporary facilities instead of their permanent addresses, the Census is providing an inaccurate count that will have longstanding implications for the communities being misrepresented.</p> <p>I urge you to reconsider data collection methods and count incarcerated people at their permanent address which is often required by correctional facilities.</p>
c00306	<p>Counting incarcerated people in the facility of detainment at the time of the Census creates an inaccurate data set for the ten years between census and therefore distorts democracy and representation.</p> <p>According to the United States Sentencing Commission, more than 50% of federal prisoners serve less than five years. In states across the country, most prisoners serve short sentences--averaging three years--and are moved around often during that time. In Rhode Island, the average is 100 days. In Georgia, the average prisoner is transferred four times. In New York, the median average for time in a facility is seven months.</p> <p>By counting incarcerated people in any of these temporary facilities instead of their permanent addresses, the Census is providing an inaccurate count that will have longstanding implications for the communities being misrepresented.</p> <p>I urge you to reconsider data collection methods and count incarcerated people at their permanent address which is often required by correctional facilities.</p> <p>This is a sick, sick idea, using gerrymandering just so you can keep your political job.</p>
c00307	<p>Counting incarcerated people in the facility of detainment at the time of the Census creates an</p>

	<p>inaccurate data set for the ten years between census and therefore distorts democracy and representation.</p> <p>According to the United States Sentencing Commission, more than 50% of federal prisoners serve less than five years. In states across the country, most prisoners serve short sentences--averaging three years--and are moved around often during that time. In Rhode Island, the average is 100 days. In Georgia, the average prisoner is transferred four times. In New York, the median average for time in a facility is seven months.</p> <p>By counting incarcerated people in any of these temporary facilities instead of their permanent addresses, the Census is providing an inaccurate count that will have longstanding implications for the communities being misrepresented.</p> <p>I urge you to reconsider data collection methods and count incarcerated people at their permanent address which is often required by correctional facilities. Thanks for considering my comments.</p>
c00308	<p>The accuracy of the Census is of paramount importance in so many regards in American policies and particularly significant in determining the number of people in a particular voting district. Counting prisoners at the location of the prison instead of their home address is definitely skewing the accuracy of the number of people in voting districts. The census data is used by business and government for 10 years which further distorts it's value and accuracy since many sentences are for much shorter times. Please reconsider counting the prison population as residents of the area in which the prison facility is located, and use the prisoner's actual address. To do otherwise skews the data and via gerrymandering, skews (skewers) democracy. I only learn of these things when I am 72!!! How long has this been policy?</p> <p>Counting incarcerated people in the facility of detainment at the time of the Census creates an inaccurate data set for the ten years between census and therefore distorts democracy and representation.</p> <p>According to the United States Sentencing Commission, more than 50% of federal prisoners serve less than five years. In states across the country, most prisoners serve short sentences--averaging three years--and are moved around often during that time. In Rhode Island, the average is 100 days. In Georgia, the average prisoner is transferred four times. In New York, the median average for time in a facility is seven months.</p> <p>By counting incarcerated people in any of these temporary facilities instead of their permanent</p>

	<p>addresses, the Census is providing an inaccurate count that will have longstanding implications for the communities being misrepresented.</p> <p>I urge you to reconsider data collection methods and count incarcerated people at their permanent address which is often required by correctional facilities.</p>
c00309	<p>All people of voting age should be counted.</p> <p>Counting incarcerated people in the facility of detainment at the time of the Census creates an inaccurate data set for the ten years between census and therefore distorts democracy and representation.</p> <p>According to the United States Sentencing Commission, more than 50% of federal prisoners serve less than five years. In states across the country, most prisoners serve short sentences--averaging three years--and are moved around often during that time. In Rhode Island, the average is 100 days. In Georgia, the average prisoner is transferred four times. In New York, the median average for time in a facility is seven months.</p> <p>By counting incarcerated people in any of these temporary facilities instead of their permanent addresses, the Census is providing an inaccurate count that will have longstanding implications for the communities being misrepresented.</p> <p>I urge you to reconsider data collection methods and count incarcerated people at their permanent address which is often required by correctional facilities.</p>
c00310	<p>Counting incarcerated people in the facility of detainment at the time of the Census creates an inaccurate data set for the ten years between census and therefore distorts democracy and representation.</p> <p>According to the United States Sentencing Commission, more than 50% of federal prisoners serve less than five years. In states across the country, most prisoners serve short sentences--averaging three years--and are moved around often during that time. In Rhode Island, the average is 100 days. In Georgia, the average prisoner is transferred four times. In New York, the median average for time in a facility is seven months.</p> <p>By counting incarcerated people in any of these temporary facilities instead of their permanent addresses, the Census is providing an inaccurate count that will have longstanding implications for the communities being misrepresented.</p>

	<p>I urge you to reconsider data collection methods and count incarcerated people at their permanent address which is often required by correctional facilities.</p> <p>I, also, urge you to remember Amendment XIV, Section 2: SECTION 2</p> <p>Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.</p> <p>Maybe it is time to start reducing the number of electors for some states.</p>
c00311	<p>Counting incarcerated people in the facility of detainment at the time of the Census creates an inaccurate data set for the ten years between census and therefore distorts democracy and representation.</p> <p>According to the United States Sentencing Commission, more than 50% of federal prisoners serve less than five years. In states across the country, most prisoners serve short sentences-- averaging three years--and are moved around often during that time. In Rhode Island, the average is 100 days. In Georgia, the average prisoner is transferred four times. In New York, the median average for time in a facility is seven months.</p> <p>By counting incarcerated people in any of these temporary facilities instead of their permanent addresses, the Census is providing an inaccurate count that will have longstanding implications for the communities being misrepresented.</p> <p>I urge you to reconsider data collection methods and count incarcerated people at their permanent address which is often required by correctional facilities.</p>
c00312	<p>Counting incarcerated people in the facility of detainment at the time of the Census creates an inaccurate data set for the ten years between census and therefore distorts democracy and representation.</p>

	<p>According to the United States Sentencing Commission, more than 50% of federal prisoners serve less than five years. In states across the country, most prisoners serve short sentences--averaging three years--and are moved around often during that time. In Rhode Island, the average is 100 days. In Georgia, the average prisoner is transferred four times. In New York, the median average for time in a facility is seven months.</p> <p>By counting incarcerated people in any of these temporary facilities instead of their permanent addresses, the Census is providing an inaccurate count that will have longstanding implications for the communities being misrepresented.</p> <p>I urge you to reconsider data collection methods and count incarcerated people at their permanent address which is often required by correctional facilities.</p> <p>1) Once an individual serves their sentence and is released, they deserve to once again receive the privilege to vote.</p> <p>2) An incarcerated individual MUST be counted on the census, at their PERMANENT residence on record prior to their incarceration, for the census to be TRUE and ACCURATE.</p> <p>Thank you for your attention to this grossly inaccurate policy.</p>
c00313	<p>Counting incarcerated people in the facility of detainment at the time of the Census creates an inaccurate data set for the ten years between census and therefore distorts democracy and representation.</p> <p>According to the United States Sentencing Commission, more than 50% of federal prisoners serve less than five years. In states across the country, most prisoners serve short sentences--averaging three years--and are moved around often during that time. In Rhode Island, the average is 100 days. In Georgia, the average prisoner is transferred four times. In New York, the median average for time in a facility is seven months.</p> <p>By counting incarcerated people in any of these temporary facilities instead of their permanent addresses, the Census is providing an inaccurate count that will have longstanding implications for the communities being misrepresented.</p> <p>I urge you to reconsider data collection methods and count incarcerated people at their permanent address which is often required by correctional facilities.</p>
c00314	<p>I'm submitting a comment regarding how the Census Bureau counts incarcerated people. I urge you count prisoners like other populations--military deployed overseas, juveniles in treatment centers, temporary residents, vacationers and others who are counted at their home location</p>

	<p>rather than the area the are at the time of the Census. People should be counted as to their domicile and not where they are temporarily residing such as a traveler who spends one night at a hotel when the census is taking place. Same goes to people in jail.</p> <p>Requiring incarcerated people to be counted in their temporary detainment center skew representational data used to determine Congressional districts and shifts populations from the communities they actually interact with and will return to.</p> <p>Please change your methodology.</p>
c00315	<p>Because this makes sense I agree with the following:</p> <p>I'm submitting a comment regarding how the Census Bureau counts incarcerated people. I urge you count prisoners like other populations--military deployed overseas, juveniles in treatment centers, temporary residents, vacationers and others who are counted at their home location rather than the area the are at the time of the Census.</p> <p>Requiring incarcerated people to be counted in their temporary detainment center skew representational data used to determine Congressional districts and shifts populations from the communities they actually interact with and will return to.</p> <p>Please change your methodology.</p>
c00316	<p>I am a _____. I often work in other countries - once I worked in Bolivia for 5 years, spending upwards of 6-9 months per year in that country. But hen the census ws taken, I was counted as a resident of _____NJ, where my home is located. Why would you count incarcerated people differently - they have hope of going home and should be counted along with their other faily members in the home in which they resided before having to go to prison. I urge you count prisoners like other populations--military deployed overseas, juveniles in treatment centers, temporary residents, vacationers and others who are counted at their home location rather than the area the are at the time of the Census.</p> <p>Requiring incarcerated people to be counted in their temporary detainment center skew representational data used to determine Congressional districts and shifts populations from the communities they actually interact with and will return to. It contributes to gerrymandering.</p> <p>Please change your methodology.</p>
c00317	<p>I'm writing to voice an opinion about how the Census Bureau counts incarcerated people.</p>

	<p>Please count prisoners like other populations--military deployed overseas, juveniles in treatment centers, temporary residents, vacationers and others who are counted at their home location rather than the area they are at the time of the Census.</p> <p>Requiring incarcerated people to be counted in their temporary detainment center skew representational data used to determine Congressional districts and shifts populations from the communities they actually interact with and will return to.</p> <p>Please change your methodology.</p>
c00318	<p>When an incarcerated person is denied the right to vote, it should only mean that the person is denied the right to choose his/her representative. It SHOULD NOT mean that the person's voting district should be denied resources usually accorded on the basis of population, as that hurts everyone in the given community. Please reconsider the methodology.</p>
c00319	<p>I'm submitting a comment regarding how the Census Bureau counts incarcerated people. I urge you count prisoners like other populations--military deployed overseas, juveniles in treatment centers, temporary residents, vacationers and others who are counted at their home location rather than the area they are at the time of the Census.</p> <p>Requiring incarcerated people to be counted in their temporary detainment center skew representational data used to determine Congressional districts and shifts populations from the communities they actually interact with and will return to.</p> <p>To deviate from the well known practice of counting adult prisoners differently than you do juvenile prisoners is inconsistent. Just as juveniles come from a "home place" so do adult prisoners. Why is this political?</p> <p>Please change your methodology.</p>
c00320	<p>I'm submitting a comment regarding how the Census Bureau counts incarcerated people. I urge you count prisoners like other populations--military deployed overseas, juveniles in treatment centers, temporary residents, vacationers and others who are counted at their home location rather than the area they are at the time of the Census.</p> <p>Requiring incarcerated people to be counted in their temporary detainment center skew representational data used to determine Congressional districts and shifts populations from the communities they actually interact with and will return to.</p>

	<p>A beloved and responsible member of our cooperative household, a recovering alcoholic and addict, has spent many years of incarceration because of his addiction. That has meant that, in Wisconsin, he has not been recorded as a resident of Madison, although our city has been his only real residence for many years. This was not fair to Madison, and it is even less fair when large numbers of an inner city, such as that of Milwaukee, are not counted as the residents they really are.</p> <p>Please change your methodology.</p>
c00321	<p>I'm submitting a comment regarding how the Census Bureau counts incarcerated people. I urge you count prisoners like other populations--military deployed overseas, juveniles in treatment centers, temporary residents, vacationers and others who are counted at their home location rather than the area they are at the time of the Census.</p> <p>This is truly unfair and unruly prejudicial to our minority communities across America.</p> <p>Requiring incarcerated people to be counted in their temporary detainment center skew representational data used to determine Congressional districts and shifts populations from the communities they actually interact with and will return to.</p> <p>Please change your methodology.</p>
c00322	<p>Regarding how the Census Bureau counts incarcerated people.</p> <p>Inmates who are not allowed to vote must not be counted in such a way that they become the nucleus of gerrymandered voting districts.</p> <p>I urge that you count prisoners like other populations--military deployed overseas, juveniles in treatment centers, temporary residents, vacationers and others who are counted at their home location rather than the area they are at the time of the Census.</p> <p>Requiring incarcerated people to be counted in their temporary detainment center skew representational data used to determine Congressional districts and shifts populations from the communities they actually interact with and will return to.</p> <p>It is urgent that you change your methodology.</p>
c00323	<p>It's important to have a correct counting of the population so our elected officials can represent the population of their district. You must change the way the prison population is recorded so</p>

	<p>that their home district, not the prison district, is in the count to make sure that the census is not distorted.</p> <p>It's time to put an end to the gerrymandering.</p> <p>Thank you for considering my comment.</p>
c00324	<p>I'm submitting a comment regarding how the Census Bureau counts incarcerated people. I urge you count prisoners like other populations--military deployed overseas, juveniles in treatment centers, temporary residents, vacationers and others who are counted at their home location rather than the area they are at the time of the Census.</p> <p>Requiring incarcerated people to be counted in their temporary place of confinement skew representational data used to determine electoral districts and shifts populations from the communities they actually interact with and will return to.</p> <p>Please change your methodology.</p>
c00325	<p>I'm submitting a comment regarding how the Census Bureau counts incarcerated people. It's about political power, folks, not funding! I urge you count prisoners like other populations--military deployed overseas, juveniles in treatment centers, temporary residents, vacationers, and others who are counted at their home location rather than the area where they are at the time of the Census.</p> <p>Your current practice, by manipulating representational data used to determine electoral districts, shifts populations away from the communities where they actually interact and to which they will return. You're giving illegitimate power to people who use it for political purposes.</p> <p>Please change your methodology!</p>
c00326	<p>If a prisoner has completed its term and now living as normal person, he/she should be given equal rights to live a normal person including votes. When God forgives our faults why we not?</p> <p>Please change your methodology.</p>
c00327	<p>This is my comment regarding how the Census Bureau counts incarcerated people. I urge you count prisoners like other populations--military deployed overseas, juveniles in treatment centers, temporary residents, vacationers and others who are counted at their home location rather than the area the are at the time of the Census.</p>

	<p>Requiring incarcerated people to be counted in their temporary place of confinement skews representational data used to determine electoral districts and shifts populations from the communities they actually interact with and will return to when they are released.</p> <p>Please change your methodology.</p>
c00328	<p>I'm submitting a comment regarding how the Census Bureau counts incarcerated people. I urge you count prisoners like other populations--military deployed overseas, juveniles in treatment centers, temporary residents, vacationers and others who are counted at their home location rather than the area they are at the time of the Census.</p> <p>Requiring incarcerated people to be counted in their temporary place of confinement skew representational data used to determine electoral districts and shifts populations from the communities they actually interact with and will return to.</p> <p>Counting inmates as residents where they are incarcerated but not allowed to vote stinks of the notorious 3/5ths compromise that allowed Southern states to count slaves as 3/5ths of a person for federal representation and tax purposes. It is clearly based on the same kind of corrupt reasoning that sees the incarcerated as units to use politically rather than as human beings with natural civil rights.</p> <p>Please change your methodology.</p>
c00329	<p>I'm submitting a comment regarding how the Census Bureau counts incarcerated people. I urge you count prisoners like other populations--military deployed overseas, juveniles in treatment centers, temporary residents, vacationers and others who are counted at their home location rather than the area they are at the time of the Census.</p> <p>Requiring incarcerated people to be counted in their temporary place of confinement skew representational data used to determine electoral districts and shifts populations from the communities they actually interact with and will return to. Prisoners are often moved around and most prisoners serve short sentences, so they need to be counted at their permanent residence.</p> <p>Please change your methodology.</p>
c00330	<p>I'm submitting a comment regarding how the Census Bureau counts incarcerated people. I urge you count prisoners like other populations--military deployed overseas, juveniles in treatment centers, temporary residents, vacationers and others who are counted at their home location rather than the area they are at the time of the Census.</p>

	<p>Prison gerrymandering robs home districts, typically urban centers, and neighborhoods with a large population of people of color, of vital representation and gives areas where prisons are housed, typically rural and white, disproportionate representation. See the case of Anamosa, Iowa, New York state, and Wyoming for some of the most egregious examples.</p> <p>Please change your methodology.</p>
c00331	<p>I'm submitting a comment regarding how the Census Bureau counts incarcerated people. I urge you count prisoners like other populations--military deployed overseas, juveniles in treatment centers, temporary residents, vacationers and others who are counted at their home location rather than the area they are at the time of the Census.</p> <p>Requiring incarcerated people to be counted in their temporary place of confinement skew representational data used to determine electoral districts and shifts populations from the communities they actually interact with and will return to.</p> <p>Please take the time and effort to enact a fair and accurate methodology.</p>
c00332	<p>I'm submitting a comment regarding how the Census Bureau counts incarcerated people. I urge you count prisoners like other populations--military deployed overseas, juveniles in treatment centers, temporary residents, vacationers and others who are counted at their home location rather than the area they are at the time of the Census.</p> <p>Requiring incarcerated people to be counted in their temporary place of confinement skew representational data used to determine electoral districts and shifts populations from the communities they actually interact with and will return to.</p> <p>Please change your methodology. This is embarrassing to our country.</p>
c00333	<p>This is especially important because: 1) Republicans have used it to pad their voting districts on this ruse, and 2) the reasons given below: I'm submitting a comment regarding how the Census Bureau counts incarcerated people. I urge you count prisoners like other populations--military deployed overseas, juveniles in treatment centers, temporary residents, vacationers and others who are counted at their home location rather than the area they are at the time of the Census.</p> <p>Requiring incarcerated people to be counted in their temporary place of confinement skew</p>

	<p>representational data used to determine electoral districts and shifts populations from the communities they actually interact with and will return to.</p> <p>Please change your methodology.</p>
c00334	<p>I'm submitting a comment regarding how the Census Bureau counts incarcerated people. I urge you count prisoners like other populations--military deployed overseas, juveniles in treatment centers, temporary residents, vacationers and others who are counted at their home location rather than the area they are at the time of the Census.</p> <p>Requiring incarcerated people to be counted in their temporary place of confinement skew representational data used to determine electoral districts and shifts populations from the communities they actually interact with and will return to.</p> <p>It has been well-documented that people of color are far more likely to be jailed than white people who have committed the exact same crime - and also that they are far more likely to be wrongly jailed for no crime at all. For this reason, your current methods regarding jailed citizens can and should be regarded as racial gerrymandering, and gerrymandering in any and all forms must be heartily rejected by any democracy of good conscience.</p> <p>Please change your methodology.</p>
c00335	<p>I'm submitting a comment regarding how the Census Bureau counts incarcerated people. I urge you count prisoners like other populations--military deployed overseas, juveniles in treatment centers, temporary residents, vacationers and others who are counted at their home location rather than the area they are at the time of the Census.</p> <p>Requiring incarcerated people to be counted in their temporary place of confinement skew representational data used to determine electoral districts and shifts populations from the communities they actually interact with and will return to.</p> <p>Please change your methodology. There is a large amount of data used for fact based upon the census. If the census does not accurately reflect the actual make up of our communities there can not be sound decision making made within our country leadership.</p> <p>This leads to areas that are poverty stricken, areas that are over enriched, and civil unrest that we see in our streets. It is time to balance the scales with a accurate census count.</p>
c00336	<p>Incarcerated people come from homes, too! Thank you.</p>

	<p>As a concerned citizen I urge you to count incarcerated people at their permanent address, instead of at detention facilities.</p> <p>As the Census Bureau is required to count everyone in the U.S. it is a misrepresentation to inflate Census numbers around prisons and count people outside of their permanent address.</p> <p>States across the country are taking steps to prevent redistricting based on incarcerated populations. The Census Bureau can contribute to this growing movement by counting people at the address they will return to, rather than the community they are being incarcerated in.</p> <p>Please revise your rules before the next Census.</p>
c00337	<p>As a concerned citizen I urge you to count incarcerated people at their permanent address, instead of at detention facilities.</p> <p>As the Census Bureau is required to count everyone in the U.S. it is a misrepresentation to inflate Census numbers around prisons and count people outside of their permanent address. It is unethical and unconscionable, and frankly dishonest.</p> <p>States across the country are taking steps to prevent redistricting based on incarcerated populations. The Census Bureau can contribute to this growing movement by counting people at the address they will return to, rather than the community they are being incarcerated in.</p> <p>Please revise your rules before the next Census.</p>
c00338	<p>As a concerned citizen I urge you to count incarcerated people at their permanent address, instead of at detention facilities.</p> <p>As the Census Bureau is required to count everyone in the U.S. it is a misrepresentation to inflate Census numbers around prisons and count people outside of their permanent address.</p> <p>States across the country are taking steps to prevent redistricting based on incarcerated populations. The Census Bureau can contribute to this growing movement by counting people at the address they will return to, rather than the community they are being incarcerated in.</p> <p>The Census Bureau must count all people in the U.S.--including non-citizens, children, temporary residents, deployed military, students and non-voters. Most everyone is counted at</p>

	<p>their permanent residence--incarcerated people are an exception. The Census Bureau cannot ignore prisoners because they must count everyone, and formerly incarcerated people will return home to their community upon release. Therefore, they should be counted there.</p> <p>Incarcerated people are often housed in prisons and jails temporarily and moved around often. Most people in prison are serving short sentences--many less than three years spread across multiple facilities. In New York state, the median time served in a facility is less than seven months. In Georgia, the average person has been transferred four times and the median time spent at the current facility is nine months. While their locations change often, incarcerated people are always required to report a permanent address. This is where they should be counted--much the way temporary residents are counted.</p> <p>This is about democracy, not funding. States are funded through block grants--typically not distributed by population. When prisons are built in an area, they are built with a specific population maximum. Infrastructure planning for such facilities is done based on the maximum size of the prison. School funding is allocated based on the number of students--not prisoners. Opponents of reversing the current counting mechanism often use this argument and it's a false flag.</p> <p>States are acting against this practice and are adopting, have adopted, or attempted to adopt legislation across the country--including Massachusetts and North Carolina. Florida's plan for prison gerrymandering was ruled unconstitutional.</p> <p>Prior to the mass incarceration phenomenon, this was not a question of concern for the Census Bureau because it was rare and affected a small number of people. They began inquiring about incarceration in 1990--when the prison population exploded from 137 per 100,000 during the great depression to 470 per 100,000 in 2001 because of the war on drugs and increased tough on crime policing.</p> <p>Please revise your rules before the next Census.</p>
c00339	<p>As a concerned citizen I urge you to count incarcerated people at their permanent address, instead of at detention facilities.</p> <p>As the Census Bureau is required to count everyone in the U.S. it is a misrepresentation to inflate Census numbers around prisons and count people outside of their permanent address.</p>

	<p>States across the country are taking steps to prevent redistricting based on incarcerated populations. The Census Bureau can contribute to this growing movement by counting people at the address they will return to, rather than the community they are being incarcerated in.</p> <p>Please revise your rules before the next Census. Every citizen has the right to vote.</p>
c00340	<p>As a concerned citizen I urge you to count incarcerated people at their permanent address, instead of at detention facilities.</p> <p>As the Census Bureau is required to count everyone in the U.S. it is a misrepresentation to inflate Census numbers around prisons and count people outside of their permanent address.</p> <p>States across the country are taking steps to prevent redistricting based on incarcerated populations. The Census Bureau can contribute to this growing movement by counting people at the address they will return to, rather than the community they are being incarcerated in.</p> <p>Please revise your rules before the next Census.</p> <p>I know that people of color are disproportionately arrested and charged with crimes, often for minor drug offenses, and prison gerrymandering causes unfair voter districts leading to lousy representation.</p> <p>Recent court rulings have cited unfair voting laws that specifically target the poor and people of color, who are more likely to vote Democratic, in order to get more Republicans elected. This is grossly unfair and is unconstitutional. In our country, we're supposed to have a one person, one vote system, but the reality is, thanks to gerrymandering of all kinds, the GOP has an unfair advantage. Even when more Democrats vote, more GOP get elected. That means the Democratic vote is being "diluted" in effect, and the GOP vote is being "expanded" in effect. This is obviously unfair and unconstitutional. We need to put our country and the spirit of our law system ahead of party loyalties, and do what is right. Thank you.</p>
c00341	<p>New York State should be used as an example. Upstate NY, where most of our prisons are located were counting prisoners in their census count instead of having the permanent residences of New York City counted as their addresses. The NYS legislators corrected this injustice and now prisoners are counted in the census at their permanent homes. This is the fair and just way to do it.</p>

	<p>As a concerned citizen I urge you to count incarcerated people at their permanent address, instead of at detention facilities.</p> <p>As the Census Bureau is required to count everyone in the U.S. it is a misrepresentation to inflate Census numbers around prisons and count people outside of their permanent address.</p> <p>States across the country are taking steps to prevent redistricting based on incarcerated populations. The Census Bureau can contribute to this growing movement by counting people at the address they will return to, rather than the community they are being incarcerated in.</p> <p>Please revise your rules before the next Census.</p>
c00342	<p>As a concerned citizen I urge you to count incarcerated people at their permanent address, instead of at detention facilities.</p> <p>As the Census Bureau is required to count everyone in the U.S. it is a misrepresentation to inflate Census numbers around prisons and count people outside of their permanent address.</p> <p>States across the country are taking steps to prevent redistricting based on incarcerated populations. The Census Bureau can contribute to this growing movement by counting people at the address they will return to, rather than the community they are being incarcerated in. This is not only logical, it is a simple way to address this problem.</p> <p>I am quite sure it was not your intention to create this gerrymandering and the resulting voting imbalances and dilutions. Please revise your rules before the next Census.</p>
c00343	<p>As a concerned citizen I urge you to count incarcerated people at their permanent address, instead of at detention facilities.</p> <p>As the Census Bureau is required to count everyone in the U.S. it is a misrepresentation to inflate Census numbers around prisons and count people outside of their permanent address.</p> <p>States across the country are taking steps to prevent redistricting based on incarcerated populations. The Census Bureau can contribute to this growing movement by counting people at the address they will return to, rather than the community they are being incarcerated in.</p> <p>Seriously?! This is so stupid to consider the prison their place of residence! We need to do right and consider their real residence; in the least the last place of residence. The potential for</p>

	<p>gerrymandering is so blatant and should be criminal with those perpetrating this themselves incarcerated! To borrow the crazed TRUMP MOB chant: "Lock them up!"</p> <p>Please revise your rules before the next Census.</p>
c00344	<p>As a concerned citizen I urge you to count incarcerated people at their permanent address, instead of at detention facilities.</p> <p>As the Census Bureau is required to count everyone in the U.S. it is a misrepresentation to inflate Census numbers around prisons and count people outside of their permanent address.</p> <p>Not only does this result in districts being misrepresented, but I believe Federal agencies use district sizes gleaned from your data to proportionally distribute funds. This leaves places that often need the most help shorted inequitably. That perpetuates problems of poverty and harms the country as a whole.</p> <p>Please revise your rules before the next Census.</p>
c00345	<p>This is just one more action to limit real representation. It lets representatives "pick their voters" in stead of " voters picking their representatives."</p> <p>As a concerned citizen I urge you to count incarcerated people at their permanent address, instead of at detention facilities.</p> <p>As the Census Bureau is required to count everyone in the U.S. it is a misrepresentation to inflate Census numbers around prisons and count people outside of their permanent address.</p> <p>States across the country are taking steps to prevent redistricting based on incarcerated populations. The Census Bureau can contribute to this growing movement by counting people at the address they will return to, rather than the community they are being incarcerated in.</p> <p>Please revise your rules before the next Census.</p>
c00346	<p>As a concerned citizen I urge you to count incarcerated people at their permanent address, instead of at detention facilities.</p> <p>As the Census Bureau is required to count everyone in the U.S. it is a misrepresentation to inflate Census numbers around prisons and count people outside of their permanent address.</p>

	<p>States across the country are taking steps to prevent redistricting based on incarcerated populations. The Census Bureau can contribute to this growing movement by counting people at the address they will return to, rather than the community they are being incarcerated in.</p> <p>This amounts to abridgment of First Amendment Rights, and the guarantee that each person has a right to vote. Please revise your rules before the next Census.</p>
c00347	<p>As a concerned citizen and a resident of a county in Texas with two prisons, one federal and one state, and a bi-state county jail that serves an Arkansas and a Texas county, I urge you to count incarcerated people at their permanent address, instead of at detention facilities.</p> <p>As the Census Bureau is required to count everyone in the U.S. it is a misrepresentation to inflate Census numbers around prisons and count people outside of their permanent address.</p> <p>States across the country are taking steps to prevent redistricting based on incarcerated populations. The Census Bureau can contribute to this growing movement by counting people at the address they will return to, rather than the community they are being incarcerated in.</p> <p>Please revise your rules before the next Census.</p>
c00348	<p>As a concerned citizen I urge you to count incarcerated people at their permanent address, instead of at detention facilities.</p> <p>As the Census Bureau is required to count everyone in the U.S. it is a misrepresentation to inflate Census numbers around prisons and count people outside of their permanent address.</p> <p>When I was in the Air Force, my residence was still my home town, not my military base. It should be exactly the same for prisoners!</p> <p>Please revise your rules before the next Census.</p>
c00349	<p>As a concerned citizen I urge you to count incarcerated people at their permanent address, instead of at detention facilities.</p> <p>As the Census Bureau is required to count everyone in the U.S. it is a misrepresentation to inflate Census numbers around prisons and count people outside of their permanent address.</p> <p>States across the country are taking steps to prevent redistricting based on incarcerated populations. The Census Bureau can contribute to this growing movement by counting people at</p>

	<p>the address they will return to, rather than the community they are being incarcerated in. Please revise your rules before the next Census. It is the only way to get true and accurate numbers. Thanks.</p>
c00350	<p>As a concerned citizen I urge you to count incarcerated people at their permanent address, instead of at detention facilities.</p> <p>As the Census Bureau is required to count everyone in the U.S. it is a misrepresentation to inflate Census numbers around prisons and count people outside of their permanent address.</p> <p>States across the country are taking steps to prevent redistricting based on incarcerated populations. The Census Bureau can contribute to this growing movement by counting people at the address they will return to, rather than the community they are being incarcerated in.</p> <p>Please revise your rules before the next Census. It's a violation of equal representation, and a problem in Rhode Island.</p>
c00351	<p>As a concerned citizen I urge you to count incarcerated people at their permanent address, instead of at detention facilities.</p> <p>As the Census Bureau is required to count everyone in the U.S. it is a misrepresentation to inflate Census numbers around prisons and count people outside of their permanent address.</p> <p>States across the country are taking steps to prevent redistricting based on incarcerated populations. The Census Bureau can contribute to this growing movement by counting people at the address they will return to, rather than the community they are being incarcerated in.</p> <p>Please revise your rules before the next Census.</p> <p>P.S. AS a related matter I'm truly outraged by the fact that convicts and those in prison are deprived of the vote. They are still citizens; many are innocent of the charges that put them behind bars; many may indeed be guilty but their crimes do not alter the fact that they are citizens. And I can see no clear or logical connection between committing a crime and being qualified to vote. It took a long time to get the vote for American Indians, blacks, and women, and now the process seems to be going in REVERSE; at every turn policies are cropping up to deprive, both DE FACTO AND DE JURE, indirectly and directly, more and more people of the vote.</p>

c00352	<p>As a concerned citizen I urge you to count incarcerated people at their permanent address, instead of at detention facilities. The only exception, people sentenced for life.</p> <p>As the Census Bureau is required to count everyone in the U.S. it is a misrepresentation to inflate Census numbers around prisons and count people outside of their permanent address.</p> <p>Counting prisoners at the prison address is like counting hotel guests at the hotel address. Neither are logical. Neither represent a permanent address.</p> <p>States across the country are taking steps to prevent redistricting based on incarcerated populations. The Census Bureau can contribute to this growing movement by counting people at the address they will return to, rather than the community they are being incarcerated in.</p> <p>Please revise your rules before the next Census.</p>
c00353	<p>As a concerned citizen I urge you to count incarcerated people at their permanent address, instead of at detention facilities.</p> <p>People who are in prison are still part of a family, a son, a father, etc. The family continues to support this person and his ties are to his home not to prison. No one calls prison home.</p> <p>As the Census Bureau is required to count everyone in the U.S. it is a misrepresentation to inflate Census numbers around prisons and count people outside of their permanent address.</p> <p>States across the country are taking steps to prevent redistricting based on incarcerated populations. The Census Bureau can contribute to this growing movement by counting people at the address they will return to, rather than the community they are being incarcerated in.</p> <p>Please revise your rules before the next Census.</p>
c00354	<p>Accurate representation is a critical to attempt to meet the needs of ALL Florida communities.</p> <p>As a concerned citizen I urge you to count incarcerated people at their permanent address, instead of at detention facilities.</p> <p>As the Census Bureau is required to count everyone in the U.S. it is a misrepresentation to inflate Census numbers around prisons and count people outside of their permanent address.</p> <p>States across the country are taking steps to prevent redistricting based on incarcerated</p>

	<p>populations. The Census Bureau can contribute to this growing movement by counting people at the address they will return to, rather than the community they are being incarcerated in.</p> <p>Please revise your rules before the next Census.</p>
c00355	<p>I've recently learned that the Census Bureau plans to continue the inaccurate and outdated practice of counting incarcerated persons as "residents" of the prison location instead of their home communities. This practice must stop!</p> <p>The impact of the Census is too great to continue using outdated and inaccurate methods for counting. Please eliminate prison-based gerrymandering for the 2020 Census and beyond.</p>
c00356	<p>Addressing the U.S Census Bureau regarding the Census count of prisoners--</p> <p>Incarcerated people should be counted at their permanent address and the communities they will return to after their sentence has been served.</p> <p>The practice of counting prison inmates as local residents in the prison area dilutes the clout of voters in other districts without prisons. And, given the demographics of incarcerated populations which are disproportionately heavy with people of color these prison-gerrymandered districts remove proportional representation from already marginalized communities of color. Instead, shifting representation to communities that are not connected to or reflective of the prison population.</p> <p>Much like the opportunity to disenfranchise by gerrymandering neighborhoods, this gerrymandering makes voters pawns for politicians. This bastardizes American democracy by once more treating prisoners like chattel and not human beings. Offenders remain people who have made a mistake. States should be ashamed that they exploit such vulnerabilities.</p>

c00357	<p>Addressing the U.S Census Bureau regarding the Census count of prisoners--some members of my family, friends are among this population. I have worked within the criminal justice system, the political arena, with the mentally ill and those trying very hard to resume the right path to having a good and prosperous life. Politicians have been using this loophole for there own gain. We want to take back control of our country b/c we have been taken advantage of and our wishes have not been taken seriously. DO THE RIGHT THING FOR ALL OUR SAKES. CHANGE CAN START WITH YOU.</p> <p>Incarcerated people should be counted at their permanent address and the communities they will return to after their sentence has been served.</p> <p>The practice of counting prison inmates as local residents in the prison area dilutes the clout of voters in other districts without prisons. And, given the demographics of incarcerated populations which are disproportionately heavy with people of color these prison-gerrymandered districts remove proportional representation from already marginalized communities of color. Instead, shifting representation to communities that are not connected to or reflective of the prison population.</p>
c00358	<p>Addressing the U.S Census Bureau regarding the Census count of prisoners--</p> <p>Incarcerated people should be counted at their permanent address and the communities they will return to after their sentence has been served. This would be their legal address.</p> <p>The practice of counting prison inmates as local residents in the prison area dilutes the influence of voters in other districts without prisons. And, given the demographics of incarcerated populations which are disproportionately heavy with people of color these prison-gerrymandered districts remove proportional representation from already marginalized communities of color. Instead, shifting representation to communities that are not connected to or reflective of the prison population.</p>
c00359	<p>Addressing the U.S Census Bureau regarding the Census count of prisoners--</p> <p>Incarcerated people should be counted at their permanent address and the communities they will return to after their sentence has been served.</p> <p>The practice of counting prison inmates as local residents in the prison area dilutes the clout of voters in other districts without prisons. And, given the demographics of incarcerated populations which are disproportionately heavy with people of color these prison-gerrymandered districts</p>

	<p>remove proportional representation from already marginalized communities of color. Instead, shifting representation to communities that are not connected to or reflective of the prison population.</p> <p>I have personally spoken with local county officers whose populations have been artificially inflated by the number of prisoners causing them undeserved salary increases. Those prisoners are not allowed to vote for the officers whose income they are supplementing, and often will not be permitted to vote again.</p>
c00360	<p>Addressing the U.S Census Bureau regarding the Census count of prisoners--</p> <p>Incarcerated people should be counted at their permanent address and the communities they will return to after their sentence has been served.</p> <p>Prison gerrymandering, counting prison inmates as local residents in the prison area, dilutes the clout of voters in other districts without prisons. And, given the demographics of incarcerated populations which are disproportionately heavy with people of color these prison-gerrymandered districts remove proportional representation from already marginalized communities of color... instead, shifting representation to communities that are not connected to or reflective of the prison population.</p>
c00361	<p>As a citizen, I am concerned about all the ways people in power can tweek the system in the favor of a status quo that ill serves the interests of the rest of us. There is growing awareness among citizens that stretches beyond the people we elect to the agencies that support them...and supposedly us. We are beginning to see how things works and are educating ourselves to take action. I never thought to be writing the Census Bureau with a comment, but here I am. My sense is others, in increasing numbers, are there to join me. We realize there is much to do to obtain justice and fairness in this beautiful nation we all call home.</p> <p>Incarcerated people should be counted at their permanent address and the communities they will return to after their sentence has been served.</p> <p>The practice of counting prison inmates as local residents in the prison area dilutes the clout of voters in other districts without prisons. And, given the demographics of incarcerated populations which are disproportionately heavy with people of color these prison-gerrymandered districts remove proportional representation from already marginalized communities of color. Instead, shifting representation to communities that are not connected to or reflective of the prison population.</p>

c00362

Voice of the Experienced (VOTE) is a grassroots organization engaged in a local, state, and national movement to reverse the negative impacts mass incarceration has had on our communities. We were initially formed in the Louisiana State Penitentiary (the Angola Special Civics Project). VOTE has grown immensely over the past decade, and contributed to major campaigns such as Ban the Box, ending public housing discrimination, and reducing the size of the local jail. We are currently the lead plaintiff in *VOTE v. Louisiana*, a class action suit to restore voting rights to people living in our community and paying taxes while on probation or parole.

We are deeply disturbed by the Census Bureau's proposed decision to continue counting caged people as residents of the towns where they have been imprisoned. The constitutional purpose of the Census is to count people for political representation. Your course of action, long since brought to your attention, is a perversion of that purpose. America is the global leader of incarcerating its own citizens and aspires (rightly so) to be the global leader in democracy. While the most fundamental right of citizenship is voting, less than 1% of people incarcerated in state or federal prisons (those in Maine and Vermont) maintain that basic connection to the democratic process. We have 1.6 million people taken against their will, stripped of political power, and internally displaced throughout the nation in state and federal prisons. These people are then tabulated where they are being held against their will.

Our 1.6 million family members are being held within a network of prison towns. Sadly, many of these towns have only a few local employers, and the prison industry becomes paramount to their survival. I encourage you to view many of the great stories on the problem of prison towns, such as the documentary film "Up The Ridge," or the recent *Mother Jones* journalism series by Shane Bauer, who worked in Winn Correctional Facility in Winnfield, Louisiana. Both portrayals underscore the challenges America faces in post-manufacturing America- where the local commodity is either on Walmart shelves or humans in cages. More humans, more cages, more people paid to watch the cages. And more cages, under the Census Bureau's policy, means more political power for that prison felon disenfranchisement case in America, *Farrakhan v. Gregoire*, a case that was ultimately lost because the racial discrimination was not intentional.

The challenge we put to you, the Census Bureau, is what do you do when you know the policies are racially skewed? Although nobody currently at the Census Bureau created the policies, you are intentionally continuing them. You are intentionally taking a group of people that is majority people of Color (primarily Black and Latino) and counting them in districts that are majority-

White. You are exacerbating the problem.

In Louisiana, incarcerated people are two-thirds Black in a state that is two-thirds White. The number of people sentenced in prison is the size of a state House district. In our largest city of New Orleans, over 13,000 people will be counted in other parts of the state and throughout the federal prison system. This is one example of the three perversions of democracy by the Census Bureau:

First, the metropolitan areas will need larger geographic districts than they should have to account for all the people not being counted in their homes. Political representatives will be dealing with constituents who have fractured homes, with family members sent to the prison towns. To gain enough households to be “equal” in size, the representative will need to walk additional streets and speak with additional schools and meet with additional residents than they should need to. Political representatives in these gutted districts will not even have authority over their own residents who have been shipped off into the state prison system. Their safety, health, rehabilitation, reentry, and family needs will be within the power of another district. By contrast, deployed military people and off-to-school college students (a) have contact with their politicians, (b) are part of politically protected groups, and (c) will likely be back in the district often during the ten years. These “feeder” districts have the highest rates of Black and Latino people in any state.

Second, the prison districts will have smaller geographic areas because they have dozens of high-rises bulging with people transported into the district against their will. To shrink the district down so it will be “equal” in size, political representatives will have the luxury of walking fewer streets and deal with fewer schools and fewer everything. This “receiver” district is a prison town, a majority-White ‘free resident’ district, and representatives *do not* consult their incarcerated residents. In fact, the economic survival of the town is tied to a failed government program, a program using cages to address mental illness, substance use, homelessness, unemployment, and violence. Further distorting this is that, in New Orleans, for instance, even people awaiting trial can be shipped into far-off districts. If the Census were tomorrow, several hundred New Orleans residents currently awaiting trial will be counted the farthest corner of the state. Certainly in some parts of America, a district could be drawn that is all prison guards and prisoners. The state legislature would always have at least one advocate for increasing the use of prisons to solve our community problems, and would likely accept all possible state and financial support for incarceration. Prison guards are disproportionately White, and their political interests will be represented in a district that could easily be a Majority-Minority district.

	<p>Third, it is the gutted feeder districts who actually represent the interests of the internally displaced people, living far away in cages. Those areas must deal with the impacts of mass incarceration, including disrupted parenting, educational barriers, unemployment, housing needs, mental health treatment, substance abuse, and myriad other counterproductive policies town.</p> <p>The demographics of the criminal justice system have repeatedly been revealed to be racially discriminatory at every level and every point of discretion. The Equal Employment Opportunity Commission said as much in their 2012 guidance on background checks in such as the 389 different employment barriers in Louisiana¹, and the current policy of the Census Bureau that affirmatively furthers racial disparities. That feeder district must deal with the family that is left behind, and prepare for the person who will be home- typically before the next Census is taken.</p> <p>Louisiana has a tortured history regarding race and political representation. There is no one culprit for that past, but all of us including the Census Bureau must take responsibility for the present and the future. The Census Bureau’s support of internal displacement and shifting political power is simply wrong, and reinforces the theft of our bodies for political and economic gain. The current Census Bureau leadership has the opportunity to do its part to end this overt racial inequity. To do otherwise is to intentionally allow a discriminatory system to continue in America.</p> <p>We call on you to NOT count people where they are incarcerated and unrepresented. We call on you to count them where their homes and families are.</p>
c00363	<p>The N.J. Integrated Justice Alliance submits this comment in response to the Census Bureau's Federal Register Notice regarding the Residence Rule and Residence Situations, 81 FR 42577 (June 30, 2016). The Bureau 's proposal to continue counting incarcerated people at the particular facility that they happen to be located at on Census Day, ignores the transient and temporary nature of incarceration. If made final, this proposal would mean another decade of decisions based on a Census that tallies incarcerated people in the wrong place.</p> <p>The IJA is a coalition of organizations and individuals working to improve public policies regarding prisoner reentry, and penal and criminal justice reform.</p> <p>Counting incarcerated people as if they were residents of the facility where they happen to be located on Census Day doesn't reflect the lived reality of our communities. The Bureau already tallies students in boarding schools at their home address even if they spend most of their time at the school. The same approach should be taken when computing incarcerated individuals.</p>

	<p>The Census Bureau should honor the overwhelming consensus urging a change in the Census count for incarcerated persons. When the Bureau asked for public comment on its residence rules last year, 96% of the comments regarding residence rules for incarcerated people urged the Bureau to count incarcerated individuals at their home address, which is almost always their legal address. This level of consensus among stakeholders, which is based on a thorough understanding of the realities of modern incarceration, deserves far more consideration than it was given.</p> <p>American demographics and living situations have changed drastically in the two centuries since the first Census, and the Census itself has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. The country's enormous prison population mandates the bureau to adapt once again.</p> <p>By designating a lock up facility as a residence in the 2010 Census, the Bureau concentrated a population that is disproportionately male, urban, and minority in to just a few thousand Census blocks that are located far from the actual homes of incarcerated persons. When this data is used for redistricting, it artificially inflates the political power of the areas where the jails are situated and dilutes the political power of all other urban and rural areas without large prisons.</p> <p>Four states and over 200 individual counties and municipalities adjust Census population figures to avoid prison gerrymandering when drawing their districts. Acknowledging the need to correct its own data to keep clear of prison gerrymandering, the Bureau has proposed helping states with the population adjustment. However, this ad hoc approach is neither efficient nor universally implementable. Massachusetts legislators, by way of example, have already expressed concerns about that state's ability to use alternative data in their 2015 comment to the Bureau (comment numbered c 161).</p> <p>Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to adopt the residence rule that identifies everyone in the correct place. My coalition believes that in order to produce an accurate 2020 Census, the Bureau must count incarcerated individuals at home.</p>
c00364	<p>Latino Justice PRLDEF submits this Comment in response to the Census Bureau 's Federal Register Notice regarding the 2020 Decennial Residence Rule and Residence Situations, 81 Fed. Reg. 42,577 (proposed June 30, 2016).1/ We write to urge the U.S. Census Bureau to count and enumerate incarcerated people at their home address, rather than at the particular facility where they happen to be located on Census day.</p> <p>Latino Justice PRLDEF, originally established as the Puerto Rican Legal Defense and Education Fund (PRLDEF) in 1972, is one of the country's leading nonprofit civil rights public interest law organizations. We work to advance, promote and protect the legal rights of Latinas and Latinos2/ throughout the nation. Our work is focused on addressing systemic discrimination and ensuring equal access to justice in the advancement of voting rights, housing rights, educational equity, immigrant rights, language access rights, employment rights and workplace justice, seeking to address all forms of discriminatory bias that adversely impact Latinas and Latinos. In this vein, Latino Justice PRLDEF has invested significant resources in combatting the discriminatory effects of a broken and racialized criminal justice system, particularly as it further marginalizes Latino residents in the United States.</p>

As a civil rights organization, we are directly concerned with how Latinas, Latinos, and other communities of color may be impacted by current Census Residence Rules and Residence Situations, particularly where population counts based on Census Residence Rules are employed by elected and appointed officials in redistricting schemes. Our organization has litigated in support of New York's state law ending prison gerrymandering in *Little v. LATFOR*.^{3/} We believe that ensuring equal representation is imperative to the health of the nation, because it allows for a just democratic system and avoids any racially discriminatory effects of prison gerrymandering—that is, the practice of diluting the political power of Black and Latino neighborhoods by counting incarcerated Black and Latino persons as residents of the legislative districts of the prisons where they are temporarily detained.

In our 2015 Comment in response to 80 FR 28950 (Released May 20, 2015), we outlined three critical reasons why the Bureau should change its current practice of counting incarcerated people's "usual residence" in state prison facilities and instead count them at their true usual residence in their home communities: (1) The current method does not yield an accurate count of the population ; (2) The current method may contribute to possible unlawful gerrymandering in violation of the Equal Protection Clause under the Fourteenth Amendment, as well as potential vote dilution; and (3) Over 200 counties and municipalities in a majority of states do not count or consider prisons as a "usual residence" in redistricting. ^{4/}

Today, we write to reiterate our concerns about the high risk of vote dilution and to urge the Bureau to recognize that interpreting the "usual residence" rule to mean that incarcerated people should be counted where they are detained instead of at their home residences is both illogical and inconsistent. This interpretation of the "usual residence" rule is illogical because most incarcerated people do not live and sleep "most of the time"^{5/} at the facilities where they happen to be located on Census day. Moreover, this application is inconsistent with the Bureau's treatment of various other populations, including deployed military personnel, boarding school students, and members of Congress. The inconsistency is particularly troubling given the well-documented racial and economic inequities of the criminal justice system.^{6/} At least with respect to boarding school students and members of Congress, the Bureau should be conscious of its apparent tendency to treat racially and economically privileged populations differently from the urban, low-income communities of color that are harmed by prison gerrymandering, especially since—unlike incarcerated people—boarding school students and members of Congress live away from their usual residences by *choice*.

I. Counting incarcerated people where they are detained is illogical because most of them do not live and sleep "most of the time" in the facilities where they happen to be located on Census day.

The Bureau 's current practice is to count incarcerated people wherever they happen to be detained on Census day because, presumably, that is where they live and sleep "most of the time."^{7/} But this is simply not true. People in the prison system are frequently transferred and usually do not remain at any particular facility for even a year.

In New York, for example, in January, 2008, the median time that an incarcerated individual remained at a particular facility was only 7.1 months.^{8/} In Georgia, the average person in the state prison system has been transferred four times, and the median time each individual has served at his or her current facility is only nine months.^{9/}

When people are moving from facility to facility at such predictably irregular and frequent rates, it does not make logical sense to count their "usual residence" as the place where they happen to be located on one particular day. Most incarcerated people are serving short sentences and will return to their home communities.^{10/} It makes sense to count them where they have family and community ties and where they *live*, and of course, where they will return permanently to eat and sleep, not where they are temporarily imprisoned.

II. The Bureau's application of the "usual residence" concept is factually inconsistent.

The Bureau claims that "counting prisoners anywhere other than the facility would violate the concept of usual residence, since the majority of people in prisons live and sleep most of the time at the prison."^{11/} But there are numerous examples of populations who are not counted where they "live and sleep most of the time." These groups include boarding school students, members of Congress, deployed military personnel, visitors who have close ties to the place they are visiting yet are still counted at home, babies born on or before Census day who are counted where they *will* eat and sleep, and truck drivers who sleep away from home most nights.^{12/} This letter focuses specifically on the inconsistency of the application of the usual residence concept to boarding school students and members of Congress versus incarcerated people.

A. Boarding school students are counted at their home addresses, even though they live and sleep most of the time at school, and even though most of them will not return home.

There are about 290 schools in the United States that offer a boarding option,^{13/} with at least fifteen schools boarding more than 400 students.^{14/} One of the Bureau's justifications for counting boarding school students at home is the "likelihood" that they will return home when they stop attending school.^{15/} But most United States boarding schools have very high college attendance rates upon graduation. In fact, every one of the fifteen schools that board more than 400 students reports a college attendance rate upon graduation of either 99% or 100%.^{16/} Such high college attendance rates are completely inconsistent with the Bureau's reasoning of the "likelihood" that these students will return home after attending boarding school. Instead they live and sleep most of the time at boarding school and then move on to college where they do the same. Thus, they are far less likely to return home than people who happen to be temporarily incarcerated.

B. Members of Congress are able to choose to be counted in their home states, even though they live and sleep most of the time in Washington, D.C.

Members of Congress fall under the definition of "commuter workers," a population of "persons with one residence where they [stay] on weekends and another residence where they [stay] during the week while working"; hence, the rules . . . count the weekday residence as

the usual residence since it [is] the place where the greatest amount of time [is] spent in a given week."^{17/} Members have the privilege of choosing whether they are counted at home or in Washington, D.C., even if they do in fact stay in Washington, D.C., most of the time.^{18/} Like incarcerated people, Congress members are serving a time-limited term, and are likely to return home where they have the most family and community ties. No one doubts that a Congress member's usual residence is in his or her home district; incarcerated people should be afforded the same presumption, as they are just as likely to return home to where they have the most family and community ties.

We cite these examples to illustrate that the guideline of counting people where they live and sleep most of the time is a flexible one; the Bureau can and does take into account the unique factual circumstances of various groups of people when determining the meaning of "usual residence." The same logical consideration of the facts should apply to the question of where to count people who are incarcerated, and the inevitable conclusion is that they should be counted in their home communities, where they have the most family and community ties, and to which they will return. Indeed, not doing so for some of these populations raises troubling concerns about the role of race and class in the Bureau's considerations, as described below.

III. The inconsistency of the Bureau's application of the "usual residence" to incarcerated people raises troubling concerns about the role of race and class in the Bureau's considerations.

Boarding schools present a particularly stark example of the race- and class-based disparities that result from the Bureau's inconsistent application of the usual residence rule. Racial and ethnic demographic information is available through the National Center for Education Statistics for eight of the fifteen schools that board more than 400 students.^{19/}

Boarding School	% White	% Asian	% Black	% Hispanic
Choate Rosemary Hall (Wallingford, CT)	52%	25%	9%	7%
Culver Academies (Culver, IN)	69%	13%	3%	11%
The Hotchkiss School (Lakeville, CT)	58%	19%	10%	3%
Kent School (Kent, CT)	84%	7%	3%	3%
The Lawrenceville School (Lawrenceville, NJ)	55%	21%	10%	6%
Phillips Exeter Academy (Exeter, NH)	56%	23%	11%	9%
St. Paul's School (Concord, NH)	91%	5%	0.4%	5%
Episcopal High School (Alexandria, VA)	73%	10%	10%	4%
Average:	67%	15%	7%	6%

On average, these eight schools--which, again, represent the largest enrollments of boarding school students for which racial demographics are available--are only 7% Black and 6% Hispanic. These percentages are comparatively low, given that Black and Hispanic representation in the general population is 13% and 16% respectively.^{20/} Moreover, the cost of tuition for full-time boarders at these schools averages

around \$53,000, and only about one-third of the students receive financial aid.^{21/} Clearly, boarding school students also tend to come from economically privileged families.

Members of Congress are obviously also overwhelmingly white and wealthy. The 114th Congress (2015-2016) is about 80% non-Hispanic white,^{22/} though white people compose only about 64% of the total United States population.^{23/} The base salary for rank-and-file Congress members in 2015 was \$174,000,^{24/} well above the 2014 national median income of \$53,657.25.

Meanwhile, in 2010, Black Americans and Latinos made up less than one-third of the general United States population but composed almost 60% of the incarcerated population.^{26/} Non-Hispanic whites--again, around 64% of the total population--make up only 39% of the prison population.^{27/} And a 2014 report by the Prison Policy Initiative found that "incarcerated people had a median annual income of \$19,185 prior to their incarceration, which is 41% less than non-incarcerated people of similar ages."^{28/} Latino Justice PRLDEF has grave concerns about the racial and class implications of interpreting the usual residence rule to mean one thing for wealthy, white communities and quite another for poor, Black and Latino communities.

IV. Counting incarcerated people where they are detained instead of at their home addresses may contribute to unlawful gerrymandering and vote dilution.

The use of the prison location as a "usual residence" for Census population counts is not only misleading, as noted above, but results in inaccurate conclusions with potentially discriminatory results for redistricting purposes.^{29/} In 2000, some counties were reported to be growing, but in fact just had expanded prison populations counted there by the Census Bureau.^{30/} Many counties may report a large number of Latino residents because there is a large Latino population incarcerated within county boundaries, which means that the Latino population is overrepresented in counties where they do not reside by choice.^{31/} In turn, they are underrepresented in their actual place of usual residence and communities of origin.^{32/} This creates inaccuracies and increases the risk of a distinctively racially-discriminatory impact on the representation of Black and Latino communities.^{33/}

These outcomes do not appear to comport with the Supreme Court's Fourteenth Amendment equal protection jurisprudence "one person one vote" standard.^{34/} In *Gray v. Sanders*, the Supreme Court held that Georgia's county-unit system was in violation of the Equal Protection Clause because the method of counting votes diluted a person's vote as the county population increased, causing rural votes to weigh far more than urban votes.^{35/} Given that state and local governments use Census data to redistrict for voting purposes, the current method of counting prisons as a "usual residence" may contribute to the potential violation of the equipopulous "one person, one vote"^{36/} standard, which may also lead to unlawful vote dilution.^{37/}

Unlawful vote dilution occurs whenever a State minimizes or cancels out the true voting strength of a racial or language minority under the Federal Voting Rights Act of 1965. What triggers the protections of the Act is the existence of disproportionality in the execution of what may otherwise be race-neutral policies. The combination of the Census Bureau's usual residence rule as proposed in the initial order,^{38/} when combined with, and where it imports documented statistics regarding the racially-skewed outcomes present in our criminal justice

systems in the United States, may similarly result in reducing the collective voting strength of Latino and Black communities. On a national scale, 1 out of every 15 Black men and 1 out of every 36 Latino men in the United States is incarcerated.^{39/} Compared to the ratio of 1 of every 106 white men incarcerated,^{40/} the outcomes of the criminal justice system exacerbate the loss of concomitant political power in communities of color, and in doing so, may dilute their voting strength.

By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African American or Latino into just 5,393 Census blocks that are removed far from the actual homes of incarcerated people.^{41/} In Illinois, for example, 60% of incarcerated people's home residences were in Cook County, yet the Bureau counted 99% of them as if they resided outside Cook County.^{42/} When this data is used for redistricting, prisons artificially inflate the political power of the areas where the prisons are located. The consequences of the Bureau's decision to count incarcerated people in the city or town where a prison facility is located carries long-lasting effects, both in the communities where detained people come from and return to, as well as the communities in which detained people are temporarily held, where they are both physically and socially segregated from the rest of the population in those communities and barred from any meaningful participation in public life.^{43/}

The Bureau's current proposed usual residence rule limits the freedom to be counted where one calls home and has the most family and community ties, *and appears to limit this freedom specifically for incarcerated people--* a population that is disproportionately Black, Latino, poor, and detained far from home against their will. At the same time, boarding school students and members of Congress-- significantly whiter and wealthier populations--have actually chosen to reside away from home. When populations differ so dramatically along the lines of race and class, it is essential to remain critical of seemingly-neutral treatments that result in adverse effects for the communities that remain the most marginalized and the least privileged.

Here, we do not doubt the Bureau's integrity or view its motives with suspicion, but we do implore you to review the glaring inconsistencies in the application of the usual residence rule with a critical awareness of the skewed racial and economic privileges of those who have the freedom to be counted in their home communities, despite the logical similarities they share with incarcerated people. These similarities include the time-limited terms they serve in communities unlike their own, and the likelihood they are to return home.

It appears that the only major difference in the Bureau's methodology in determining usual residence between truck drivers, military personnel, boarding school students, members of Congress, when compared to the Bureau's methodology in determining the usual residence of incarcerated people, *is the difference in the relative weight and value accorded by the Census Bureau to their family and community ties.* Quite simply, there is no principled reason to value the family and community ties of the home districts of prisoners any less than the other populations we have identified here.

V. Proposed residence rules would not only create an inaccurate Census but also further contribute to systemic racial inequity.

In a time when many underprivileged and underserved people who have been unjustly marginalized are forced to keep reiterating that their lives matter, importing the myriad problems and statistically-proven racial discrimination of the criminal justice system into the calculus of political power and representation is simply an untenable proposition for the American people in 2020.

By discounting disproportionately Black and Latino populations who may be incarcerated far away from their strongest family and community ties, and far away from the homes to which they will return, the U.S. Census Bureau will only further entrench systemic racial inequity. This would be a grave disservice to the American people. Entire families and communities should not be punished or treated as less important simply because a person who calls that family or community their home is temporarily serving their term elsewhere.

We strongly urge you to reconsider your initial decision and count incarcerated persons at home, where they have lived and resided, where they will return to live and reside after they serve their time-limited terms, and where they have the strongest family and community ties.

1/ U.S. Census Bureau, 81 Fed. Reg. 42,577 (proposed June 30, 2016) (to be codified at 15 C.F.R. ch. undef.) , available at <https://www.federalregister.gov/articles/2016/06/30/2016-15372/proposed-2020-census-residence-criteria-and-residence-situations> (comment period extended by U.S. Census Bureau, 81 Fed. Reg. 48,365 (proposed July 25, 2016) (to be codified at 15 C.F.R. ch. undef.), available at <https://www.federalregister.gov/articles/2016/07/25/2016-17484/proposed-2020-census-residence-criteria-and-residence-situations-extension-of-comment-period>).

2/ As used in this Comment, the terms "Hispanic" or "Latino" are used interchangeably as defined by the U.S. Census Bureau and "refer to a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race." Karen R. Humes, Nicholas A. Jones & Roberto R. Ramirez, *Overview of Race and Hispanic Origin: 2010*, 2010 Census Briefs, 1, 2 (March, 2011), <http://www.census.gov/prod/cen2010/briefs/c2010br02.pdf>.

3/ Little v. LATFOR, No. 2310/2011 at 7 (N.Y. Sup. Ct., Albany Cnty. Dec. 1, 2011).

4/ Letter from Juan Cartagena, President and General Counsel Latino Justice PRLDEF, to Karen Humes, Chief, Population Division, U.S. Census Bureau (July 15, 2015) (on file with Latino Justice PRLDEF), also available at http://www.prisonersofthecensus.org/letters/Latino_Justice_Census.pdf.

5/ U.S. Census Bureau, *supra* note 1.

6/ See generally EXEC. OFFICE OF THE PRESIDENT OF THE UNITED STATES, ECONOMIC PERSPECTIVES ON INCARCERATION AND THE CRIMINAL JUSTICE SYSTEM (2016), available at https://www.whitehouse.gov/sites/default/files/page/files/20160423_cea_incarceration_criminaljustice.pdf; see also THE SENTENCING PROJECT, TRENDS IN U.S. CORRECTIONS (2016), available at <http://sentencingproject.org/wp-content/uploads/2016/01/Trends-in-US-Corrections.pdf>; Peter Wagner & Daniel Kopf, *The Racial Geography of Mass Incarceration*, PRISON POLICY INITIATIVE (July 2015), available at <http://www.prisonpolicy.org/racialgeography/report.html>; MICHELLE ALEXANDER, THE NEW JIM CROW (2010); Ian F. Haney-Lopez, Post-Racial Racism: Racial Stratification and Mass Incarceration in the Age of Obama, 98 CAL. L. REV. 1023 (2010), available at <http://scholarship.law.berkeley.edu/facpubs/1880>; THE PEW CENTER ON THE STATES, ONE IN 100: BEHIND BARS IN AMERICA 2008 (2008), available at http://www.pewtrusts.org/media/legacy/uploadedfiles/pcs_assets/2008/one20in20100pdf.pdf.

7/ U.S. Census Bureau, *supra* note 1.

8/ HUB SYSTEM: PROFILE OF INMATE POPULATION UNDER CUSTODY ON JANUARY 1, 2008, STATE OF NEW YORK DEPT. OF CORRECTIONAL SERVICES ii (2008), available at http://www.doccs.ny.gov/Research/Reports/2008/Hub_Report_2008.pdf.

9/ INMATE STATISTICAL PROFILE, GEORGIA DEPT. OF CORRECTIONS 35 (2016), available at http://www.dcor.state.ga.us/sites/all/themes/gdc/pdf/Profile_all_inmates_2016_06.pdf.

- 10/** KIRSTEN D. LEVINGSTON AND CHRISTOPHER MULLER, BRENNAN CENTER FOR JUSTICE, "HOME" IN 2010: A REPORT ON THE FEASIBILITY OF ENUMERATING PEOPLE IN PRISON AT THEIR HOME ADDRESSES IN THE NEXT CENSUS 8, 9 (2006), *available at* http://www.brennancenter.org/sites/default/files/legacy/d/download_file_36223.pdf ("Indeed, 'home of record,' as reported in state and federal administrative records, is widely considered the most robust extant predictor of the place people in prison will return upon release.").
- 11/** U.S. Census Bureau, *supra* note 1.
- 12/** U.S. Census Bureau, *supra* note 1; *see also* NAT'L RESEARCH COUNCIL, ONCE, ONLY ONCE, AND IN THE RIGHT PLACE: RESIDENCE RULES IN THE DECENNIAL CENSUS 123 (2006), *available at* <http://www.nap.edu/read/11727/chapter/6#123>; Letter from Peter Wagner, Exec. Dir., Prison Policy Initiative, to Karen Humes, Chief, Population Division, U.S. Census Bureau (forthcoming, Aug. 2016) (on file with Prison Policy Initiative).
- 13/** *Boarding Schools by State/Country*, BOARDING SCHOOL REVIEW, <http://www.boardingschoolreview.com/boarding-schools-by-state> (last visited Aug. 5, 2016).
- 14/** *Search Schools*, THE ASSOC. OF BOARDING SCHOOLS, <http://www.boardingschools.com/find-a-school/guided-search.aspx> (narrow "Total Number of Boarding Students" to 400 and above for list) (last visited Aug. 8, 2016).
- 15/** U.S. Census Bureau, *supra* note 1.
- 16/** THE ASSOC. OF BOARDING SCHOOLS, *supra* note 14 (follow hyperlink for each school and choose "College Info" tab near bottom of screen).
- 17/** NAT'L RESEARCH COUNCIL, *supra* note 12, at 121.
- 18/** *Id.* at 123.
- 19/** These are percentages of each school's total--boarding and day--population. The average boarding enrollment for all eight schools is about 88%. *Search for Private Schools*, NAT'L CTR FOR EDUC. STATISTICS (Choate Rosemary Hall: https://nces.ed.gov/surveys/pss/privateschoolsearch/school_detail.asp?ID=00233261; Culver Academies: https://nces.ed.gov/surveys/pss/privateschoolsearch/school_detail.asp?ID=A1101060; The Hotchkiss School: https://nces.ed.gov/surveys/pss/privateschoolsearch/school_detail.asp?ID=00233115; Kent School: https://nces.ed.gov/surveys/pss/privateschoolsearch/school_detail.asp?ID=00232541; The Lawrenceville School: http://nces.ed.gov/surveys/pss/privateschoolsearch/school_detail.asp?Search=I&ID=00869171; Phillips Exeter Academy: https://nces.ed.gov/surveys/pss/privateschoolsearch/school_detail.asp?ID=00852124; St. Paul's School: https://nces.ed.gov/surveys/pss/privateschoolsearch/school_detail.asp?ID=00851903; Episcopal High School: https://nces.ed.gov/surveys/pss/privateschoolsearch/school_detail.asp?ID=O1433226).
- 20/** Leah Sakala, *Breaking Down Mass Incarceration in the 2010 Census: State-by-State Incarceration Rates by Race/Ethnicity*, PRISON POLICY INITIATIVE (May 28, 2014), *available at* <http://www.prisonpolicy.org/reports/rates.html>.
- 21/** THE ASSOC. OF BOARDING SCHOOLS, *supra* note 14 (follow hyperlink for each school and scroll down to "Tuition and Financial Aid").
- 22/** See JENNIFER E. MANNING, MEMBERSHIP OF THE 114TH CONGRESS: A PROFILE, CONGRESSIONAL RESEARCH SERVICE 7-8 (2016), *available at* <https://www.fas.org/sgp/crs/misc/R43869.pdf>.
- 23/** Sakala, *supra* note 20.
- 24/** *Salaries and Benefits of US Congress Members: The Truth*, ABOUT NEWS, <http://usgovinfo.about.com/od/uscongress/a/congresspay.htm> (Jan. 9, 2016).
- 25/** CARMEN DENAVAS-WALT & BERNADETTE D. PROCTOR, U.S. CENSUS BUREAU, INCOME AND POVERTY IN THE UNITED STATES: 2014 5 (2015).
- 26/** Sakala, *supra* note 20.
- 27/** *Id.*
- 28/** Bernadette Rabuy & Daniel Kopf, *Prisons of Poverty: Uncovering the Pre-Incarceration Incomes of the Imprisoned*, PRISON POLICY INITIATIVE (July 9, 2015), *available at* <http://www.prisonpolicy.org/reports/income.html>.