



## **League of Women Voters of Delaware**

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August 14, 2016

Ms. Karen Humes  
Chief, Population Division  
U.S. Census Bureau, Room 6H174  
Washington, DC 20233

Dear Ms. Humes,

This is in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 81 FR 42577 (June 30, 2016). The League of Women Voters of Delaware urges you to count incarcerated people at their home addresses, rather than at the facility where they happen to be located 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 the League of Women Voters, 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.

Incarcerated people are generally treated as constituents and resident of their home districts. But when it comes time to redistrict, the lines get drawn based on the Census, which counts incarcerated people as if they were residents of the facility where they happen to be on Census day. While the correctional facility may seem a permanent structure, the people inside them are transient and as such should be counted in their home districts; that's where they actually reside – where they eat, sleep, and are a part of the community.

As a matter of fact, in Delaware, 23 to 25 percent of our male prisoners and 40 percent of female inmates are in pre-trial detention, simply waiting temporarily for a trial. Between April 1 and election day, most of them are back home, so counting those people as residents of the prison is especially egregious!

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. The Bureau's current proposal to provide geocoding services as a supplemental product would surely help in our situation, but a change in the residence rule for incarcerated people by the Census Bureau would meet the state's needs in a much more streamlined and reasonable fashion.

Thank you for this opportunity to comment on the Residence Rule and Residence Situations; we appreciate the Bureau's aim to count everyone, including people who are incarcerated on Census day, in the right place. The League of Women Voters of Delaware urges you to count incarcerated people as residents of their last-known home addresses.

Sincerely,

Jill Fuchs, President

Sandra Spence, Advocacy Chair