



LEAGUE OF WOMEN VOTERS®
OF THE UNITED STATES

August 31, 2016

President

Chris Carson
Burbank, California

Vice President

Karen Nicholson
Midland, Texas

Secretary

Toni Zimmer
Sparta, New Jersey

Treasurer

Henrietta Saunders
Glenview, Illinois

Directors

Maribel Balbin
Charleston, South Carolina

Amy Hjerstedt
Falls Church, Virginia

Kim Lauth
Knoxville, Tennessee

Anita Loch
Whitewater, Wisconsin

Jessica Lowe-Minor
Tallahassee, Florida

Brenda Rogers
Chapel Hill, North Carolina

Jessica Rohloff
Willmar, Minnesota

Deborah Turner
Des Moines, Iowa

Executive Director
Wylecia Wiggs Harris

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

Dear Ms. Humes,

Thank you for this opportunity to respond to the notice seeking comments on the Bureau's proposed 2020 Census Residence Rule and Residence Situations (Document 81 FR 42577, June 30, 2016). The League of Women Voters of the United States (LWVUS) is disappointed by the proposal's recommendation to continue counting nearly two million people – incarcerated citizens -- in the wrong place.

The Census Bureau's decision to continue use of the "usual residence" rule when counting incarcerated citizens damages our democracy. Counting prisoners at their place of incarceration improperly inflates the population of that location and undercounts the population where a prisoner truly resides. Counting prisoners as if they are residents of the prison location unfairly gives greater representation to those voters who happen to live in districts that contain prisons. And it robs the prisoners' home districts of their rightful representation.

The Bureau's rationale for continued use of this outmoded system misunderstands the basic purpose of the Census. Article I, Section 2 of the Constitution created the Census for the purpose of ensuring fair representation. It provided the population information necessary for the apportionment of congressional seats. Since that time, the federal, constitutional interest in fair representation has been vastly expanded – through constitutional amendment and Supreme Court action – so it is simply misleading to characterize redistricting based on the Census as only a state matter, as the Bureau suggests. The federal interest in congressional redistricting and redistricting of states and municipalities cannot be ignored. The Constitutional interest in fair and equal representation should be recognized by the Bureau, rather than being dismissed.

Moreover, the Bureau's plan to leave the residence for prisoners question up to the states will undoubtedly lead to different standards for congressional, state and municipal elections around the country – contrary to the "one person, one vote" principle. Not only does such inconsistency not make sense, it leaves federal redistricting and state and local apportionment and redistricting decision open for political manipulation.

At the very least, federal prisoners incarcerated by the U.S. Government away from their state of residence must be counted as residing in their home state. Otherwise, the federal apportionment of congressional seats under the Constitution will be flawed. Having the federal government affect the apportionment count through its incarceration policies and locations is wrong.

Continued failure to update a rule that has gone unchanged in 225 years while the affected population has quadrupled in size is short-sighted and misguided. Choosing to disregard more than two centuries of change in our country, our laws, and our criminal justice system is unacceptable. The Census Bureau should count incarcerated citizens at their home addresses, where they expect to return, engage with community members and participate in the civic process. It is time for the Census Bureau to update its interpretation of this rule.

The Census Bureau's insistence on counting incarcerated citizens only in prisons leads to inaccuracies in counts of rural and urban communities and disenfranchises large blocks of African American and Latino voters while undermining the redistricting process in states across the country. The distortion of state and federal legislative districts upsets the balance of power and disproportionately underrepresents minority populations in communities across the country. The League believes in a population count that accurately represents communities and citizens that live within them. The Census should ensure that every man, woman and child can have equal representation in our democracy. Counting incarcerated citizens at their home addresses is one of the fairest ways to protect our democracy and the true accuracy of the Census.

Thank you for the opportunity to comment on the proposed 2020 Census Residence Rule and Residence Situations.

Sincerely,



Chris Carson
President
League of Women Voters of the United States