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ALBANY OFFICE  
ROOM 903

LEGISLATIVE OFFICE BUILDING  
ALBANY, NEW YORK 12247  
PHONE: (518) 455-3451  
FAX: (518) 426-6854

DISTRICT OFFICE  
30 THIRD AVENUE

BROOKLYN, NEW YORK 11217  
PHONE: (718) 643-6140  
FAX: (718) 237-4137

E-MAIL: MONTGOME@NYSenate.GOV

WEBSITE: MONTGOMERY.NYSenate.GOV

July 26, 2016

Penny Pritzker  
Secretary Of Commerce  
U.S. Department of Commerce  
1401 Constitution Ave., NW  
Washington, D.C. 20230

John H. Thompson  
Director  
U.S. Census Bureau  
4600 Silver Hill Road  
Washing, DC 20233

Dear Secretary Pritzker and Director Thompson,

I represent the residents of District 25 in the New York State Senate 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"**.

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.

**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.

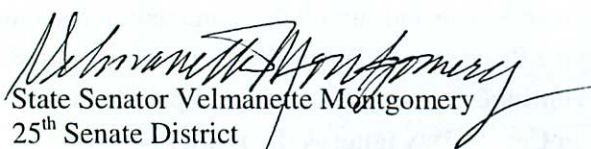
**Fortunately, in 2010 we passed the New York Prison Gerrymandering Bill which allows for the use of Department of Corrections data to identify the home addresses of incarcerated people to correct Census data and requires state and county governments to count incarcerated people at their home addresses 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.

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.

**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.

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.**

Sincerely,

  
State Senator Velmanette Montgomery  
25<sup>th</sup> Senate District

cc: Karen Humes, Chief, Population Division of U.S. Census Bureau  
Peter Wagner, Executive Director of Prison Policy Initiative  
U.S. Senators Charles Schumer and Kirsten Gillibrand  
Congressmembers Yvette D. Clarke, Joseph Crowley, Daniel Donovan, Eliot Engel, Hakeem Jeffries, Carolyn B. Maloney, Gregory W. Meeks, Grace Meng, Jerrold Nadler, Charles B. Rangel, Jose E. Serrano and Nydia Velazquez  
Colleagues